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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 6, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Consent Calendar** (ACTION ITEM)
   a. Request of the Chief of Police to accept donation of 50 Fingerprint Kits from the California Automobile Association (CSAA), valued at $2099.66, for use in auto theft and auto burglary incidents

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

01-05-10A11:04 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's 3rd Quarter 2009 Document Protocol Report
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of an Appeal of the Chief's Suspension is Disciplinary Case No. ALW D08-165 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

5. Public Comment on all matters pertaining to Closed Session.

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C07-023
      (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
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Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

Closed Session continued:

b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
- ALW C06-202, JCT C06-144, ALW C08-128
- JCT C06-181, JCT C06-184, JCT C06-185, JCT C06-186, JCT C06-187, JCT C06-188
- JWF C08-014/OCC 296-06
- KMO C08-150, JWA C09-017, JWA C09-126, JWA C09-209
- JWA C01-032

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

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JANUARY 6, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, Lee, Hammer, Onek, Pan
ABSENT: Commissioner DeJesus
(Commissioner Lee arrived at 5:45 p.m.)

APPROVAL OF THE CONSENT CALENDAR

a. Request of the Chief of Police to accept donation of 50 fingerprint kits from the California Automobile Association (CSAA), valued at $2099.66, for use in auto theft and auto burglary incidents

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 5-0.

RESOLUTION NO. 3-10

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF 50 FINGERPRINT KITS FROM THE CALIFORNIA AUTOMOBILE ASSOCIATION (CSAA), VALUED AT $2099.66, FOR USE IN AUTO THEFT AND AUTO BURGLARY INCIDENTS

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept a donation of 50 fingerprint kits from the California Automobile Association (CSAA), valued at $2099.66, for use in auto theft and auto burglary incidents.

AYES: Commissioners Marshall, Mazzucco, Lee, Hammer, Onek, Pan
ABSENT: Commissioner DeJesus

PUBLIC COMMENT

Emile Lawrence, taxi driver, discussed concerns regarding parking citations and his driver's license being suspended by an officer.

Ace Washington discussed concerns.

Minerva Dunn asked the each district have its own Community Relations Board.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

- Presentation of the Department's 3rd Quarter 2009 Document Protocol Report

Chief Gascón updated the Commission in regards to his request for a resolution regarding the body armor issue. The Chief also talked about the Mayor's press conference in regards to air safety and the body imaging scanner. The Chief went on to talk about the area of Polk Street, lower Polk, and the Russian Hill area and concerns about prostitution and a work plan is being created with the help of the community. The Chief also updated the Commission in regards to Compstat.

Commissioner Marshall stated that next week he would calendar the resolution in regards to the body armor issue. Deputy City Attorney Ross will draft the resolution.

Commissioner Lee requested a presentation in regards to the body imaging scanner.

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Commissioner Mazzucco commended the Chief on how he handled the press conference today in regards to body armor.

Commissioner Onek thanked the Chief for his leadership in the body armor issue. Commissioner Onek also asked about the establishment of three new units, Community Relations Unit, Professional Development, and the Comptat Unit. Chief Gascón explained the different units.

Commissioner Hammer asked the Chief for an update in regards to inspectors being at the stations. Chief Gascón stated that it is coming along very well but the Department is still struggling with space at the different district stations.

Lieutenant Dan Mahoney presented the Department's 3rd Quarter 2009 Document Protocol Report

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that in 2009 the OCC opened 1,018 cases and closed 1,033; sustained 53. She stated that there are 366 pending cases, 362 from 2009 and 4 from 2010. In 2010, the OCC closed 16 cases. Director Hicks stated that she will give a more detailed update when she presents the OCC's Annual Report in February.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

None

PUBLIC COMMENT

Emil Lawrence discussed concerns regarding OCC complaints and getting no reply and discussed concerns regarding actions of police.

Sharon Hewitt commented on the recent press conference in regarding to drop in homicide rates.

Commissioner Hammer asked the Chief about number of officers that are off due to pending discipline. Chief Gascón stated that in August 2009 there were 45 officers that were on modified duty: 3 are suspended; 35 disarmed; 7 armed with limited public contact and out of the 45, 28 have pending Commission cases. As of January 2010, there are 32 officers on modified duty; 22 have pending Commission cases and 2 as suspended without pay.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
- Assignment of an Appeal of the Chief's Suspension in Disciplinary Case No. ALW D08-165 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
(Resolution No. 1-10, Assigned to Commissioner James Hammer)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner Pan would like the budget calendared for discussion earlier than later.

Chief Gascón stated that the Department's budget is 89 percent salaries and benefit and 11 percent is already spoken for and stated that there will a presentation before the Commission in two weeks.

Director Hicks stated that the OCC's $4.2 million budget, $3.7 million is personnel costs and of the $500,000 that is not personnel, $300,000 is rent and to meet the $520,000 budget cut, it will be all layoffs.

PUBLIC COMMENT

Emil Lawrence stated that the POA is the most powerful union in the city and stated that the Chief does not have to layoff anybody.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOT ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (6:55 p.m. to 9:01 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C07-023** (Resolution No. 2-10)

b. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:**
   - **ALW C06-202, JCT C06-144, ALW C08-128**
   - **JCT C06-181, JCT C06-184, JCT C06-185, JCT C06-186, JCT C06-187, JCT C06-188**
   - **JWF C08-014/OCC 296-06**
   - **KMO C08-150, JWA C09-017, JWA C09-126, JWA C09-209**
   - **JWA C01-032**

(PRESENT: Commissioners Marshall, Mazzucco, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Attorney A. Worsham, Mr. Steve Johnson, & members involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 6-0.

Thereafter, the meeting was adjourned at 9:05 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 13, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Report on status of the Justice Facilities Improvement Program
   b. OCC Director's Report
      - Review of Recent Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of an Appeal of the Chief's Suspension in Disciplinary Case No. KMO D08-013 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission meetings

4. Discussion and possible action to adopt a resolution urging the Board of Supervisors to issue a resolution urging the California Attorney General to appeal the ruling by the Second District Court of Appeal invalidating Section 12370 of the California Penal Code, which had banned possession of body armor by persons convicted of violent felonies (ACTION ITEM)

5. Review and Discussion of the Police Commission's Rules governing Trials of Disciplinary Cases (DISCUSSION ONLY)

6. Public Comment on all matters pertaining to Closed Session.

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 13, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**

a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
- JCT C06-190
- ALW C09-186
- JCT C06-185

b Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C03-190 (ACTION ITEM)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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REGULAR MEETING

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JANUARY 13, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan
(Commissioner Lee arrived at 5:53 p.m.)

PUBLIC COMMENT

Barry Tarranto discussed concerns regarding the taxi detail.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION
(Taken out of order)

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION: Taken out of order 5:54 p.m. – 7:07 p.m.)

a. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:**
- **JCT C06-190**
- **ALW C09-186**
- **JCT C06-185**

b. **PERSONNNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C03-190** (Resolution No. 6-10)

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Assistant Chief Lynch, Lieutenant Reilly, Deputy City Attorney Blits, Attorney Worsham, Mr. S. Johnson, and members involved)

VOTE TO ELLECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 7-0

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REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Update on significant policing efforts by Department members**
- **Report on status of the Justice Facilities Improvement Program**

Assistant Chief Lynch introduced Mr. Charles Higueras, Department of Public Works for presentation of report on status of the Justice Facilities Improvement Program.

Mr. Charles Higueras, Department of Public Works, presented the status report in regards to the Justice Facilities Improvement Program.

b. **OCC Director's Report**
- **Review of recent activities**

No report.

c. **Commission Reports**
- **Commission President's Report**

- **Commissioners' Reports**

Commissioner Pan asked about status of hiring for Commission staff. Commissioner Marshall stated that there is nothing definitive to report at this point.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of an Appeal of the Chief's Suspension in Disciplinary Case No. KMO D08-013 to an individual Commissioner for the taking of evidence n a date to be determined by the Commissioner**
  (Resolution No. 4-10, Assigned to Commissioner Yvonne Lee)

b. Scheduling of items identified for consideration at future Commission meetings

Commissioner DeJesus would like a status report on hiring of director/policy analyst for the Commission office. Commissioner DeJesus would also like a hearing on implementation of laws in regards to prostitution as per press conference scheduled for tomorrow.

Director Hicks also stated that next week the OCC will present a preliminary budget to the Commission.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION URGING THE BOARD OF SUPEVISORS TO ISSUE A RESOLUTION URGING THE CALIFORNIA ATTORNEY GENERAL TO APPEAL THE RULING BY THE SECOND DISTRICT COURT OF APPEAL INVALIDATING SECTION 12370 OF THE CALIFORNIA PENAL CODE, WHICH HAD BANNED POSSESSION OF BODY ARMOR BY PERSONS CONVICTED OF VIOLENT FELONIES

Commissioner Onek suggested amending the resolution to all felons be banned from possession of body armor instead of just violent felons.

Chief Gascón stated that the Attorney General will in fact go forward with the appeal.

Motion by Commissioner Mazzucco to approve resolution as amended. Second by Commissioner Lee. Approved 7-0.

RESOLUTION NO. 5-10

RESOLUTION REQUESTING THE BOARD OF SUPERVISORS (1) TO URGE THE CALIFORNIA SUPREME COURT TO ACCEPT REVIEW OF THE STATE LAW PROHIBITION AGAINST VIOLENT FELONS WEARING BODY ARMOR AND (2) TO URGE STATE LAWMAKERS TO DO ALL THINGS NECESSARY TO ENSURE THAT VIOLENT FELONS ARE PROHIBITED FROM WEARING BODY ARMOR

WHEREAS, in 1994, in San Francisco, a gunman protected by full body armor was able to fend off 120 armed police officers for 32 minutes and in the process killed San Francisco Police Officer James Guelff; and

WHEREAS, three years later, in North Hollywood, two bank robbers in body armor engaged in a one-hour gun battle with 350 police officers that resulted in two deaths and injuries to more than ten others; and

WHEREAS, as a result of these tragic events, the state legislature enacted the "James Guelff Body Armor Act of 1998," Penal Code Section 12370 (the Act), in honor of slain San Francisco Police Officer James Guelff; and

WHEREAS, The Act outlaws the possession of body armor by a person previously convicted of a violent felony; and

WHEREAS, the legislative intent behind the Act was to stop the threat of violent felons who are able to thwart police officers by wearing body armor, potentially injuring or killing innocent officers or civilians in the process; and

WHEREAS, in a recently decided case entitled *People v. Saleem*, No. B204646 (2009 WL 4852440 (Cal.App. 2 Dist.)), the California Court of Appeal determined that the Act's definition of "body armor" was unconstitutionally void for vagueness, based on the Court's conclusion that an ordinary person would not know what type of body armor was prohibited by the law, and on that basis reversed the conviction of the defendant, who was on parole for voluntary manslaughter and wearing a flak jacket vest; and

WHEREAS, the decision was decided by a two to one vote, over a vigorous dissent that rejected that majority's conclusion that a defendant would need to be aware of the technicalities of what constituted body armor and therefore concluded that: "If a violent felon chooses to possess an item that appears to be body armor, the People prove that the garment actually is body armor, i.e., withstands penetration by the relevant test ammunition, then there is no reason why the conviction should not stand;" and

WHEREAS, the Attorney General has announced that his office will seek review of the appellate court decision by the California Supreme Court; now, therefore, be it

RESOLVED, that the San Francisco Police Commission requests the San Francisco Board of Supervisors to urge the California Supreme Court to accept review of the case of *People v. Saleem*; and, be it

FURTHER RESOLVED, that the San Francisco Police Commission requests the San Francisco Board of Supervisors to urge state lawmakers to do all things necessary to ensure that violent felons are prohibited from wearing body armor.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

PUBLIC COMMENT
None

REVIEW AND DISCUSSION OF THE POLICE COMMISSION'S RULES GOVERNING TRIALS OF DISCIPLINARY CASES

Commissioner Hammer asked Deputy City Attorney Blits in regards to procedures followed by the Fire Commission. Ms. Blits stated that the draft rules will be forwarded to the Commission as soon as it is finished.

Commissioner DeJesus stated that if there is going to be a Charter amendment, it should be heard by the full Commission and transparent to the public.

Commissioner Hammer stated that the Fire Commission hears the charges within 60 days after it is filed and resolved after 120 days.

Commissioner Marshall would like a copy of the draft to all Commissioners for their input and comments and return drafts to Ms. Blits.

Commissioner Onek would like short time line for comments to be returned to Ms. Blits and that it be place back on the calendar in two weeks or the first meeting in February.

Ms. Blits stated that she hopes to get the draft out to the Commission by Friday or Monday.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Onek to adjourn the meeting in memory of the earthquake victims in Haiti. Second by Commissioner Pan. Approved 7-0.

Thereafter, the meeting was adjourned at 8:24 p.m. in memory of the earthquake victims in Haiti.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 20, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's Fourth Quarter 2009 Report of Closed Session Disciplinary Actions

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Fourth Quarter FDRB Findings & Recommendations
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
      - Status report on preparation of SFPD's 2010-2011 Budget
   b. OCC Director's Report
      - Review of recent activities
      - Status report on preparation of OCC's 2010-2011 Budget
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   - Assignment of disciplinary charges filed in Case No. IVF C10-013, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   - Assignment of disciplinary charges filed in Case No. IVF C10-014, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
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Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 20, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-151 (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-175 (ACTION ITEM)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
      - JCT C06-188, JWA C09-017, JWA C09-126, JWA C09-209

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Northern District, at the African American Art & Culture Complex, 762 Fulton Street, San Francisco, at 6:00 p.m., on Wednesday, January 27, 2010, to hear comments from the public and Northern Station Captain Ann Mannix concerning public protections issues in the Northern District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

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Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 20, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:38 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek
ABSENT: Commissioner Pan
(Commissioner DeJesus arrived at 5:44 p.m.)

PUBLIC COMMENT

Emil Lawrence discussed OCC complaint filed and discussed concerns regarding fees and citations issued to taxicab drivers.

CONSENT CALENDAR

- **Police Commission's Fourth Quarter 2009 Report of Closed Session Disciplinary Actions**

Motion by Commissioner Mazzucco, second by Commissioner Onek to receive and file. Approved 5-0.

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**
- **Presentation of the Fourth Quarter FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**
- **Status report on preparation of SFPD's 2010-2011 Budget**

Chief Gascón reported that there was an 80 percent reduction in violent crimes and 29 percent in property crimes for a total of 25 percent reduction. The Chief stated that there will be a press conference in regards to the goals for the Department and that he will give more details to the Commission as it gets closer.

Director Jerry Tidwell, Risk Management, introduced Sergeants Mike Nevin and Jennifer Jackson to present the Findings and Recommendations for the 4th Quarter FDRB.

Sergeant Mike Nevin presented the Status Summary of Officer-Involved Shooting Investigations.

Director Ken Bukowski, Fiscal Division, presented the status report on the preparation of the SFPD's 2010/2011 budget. Director Bukowski stated that the base budget for fiscal year 2010/ 2011 is $447 million of that $362 million comes from general fund and the remainder comes from Airport funds, grant funds, and work orders from other departments.

Chief Gascón updated the Commission in regards to press conference regarding enforcement of laws regarding prostitution.

b. OCC Director's Report
- **Review of recent activities**
- **Status report on preparation of OCC's 2010-2011 Budget**

Director Hicks presented the OCC's FY 2010/2011 budget with proposed reductions. Director Hicks reported that the OCC has a budget of $4.2 million with $3.8 million for personnel. The OCC has $488,000 for operations with $377,000 of that amount for rent. With the 20 percent reduction target, the OCC has to give up 3 clerk typists, 1.5 investigators, and 1 attorney.

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Commissioner Marshall discussed concerns regarding the OCC budget cuts.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Marshall asked about the status of the disciplinary rules and procedures. Deputy City Attorney Blits stated that she has a copy of the draft rules for the Commission.

Commissioner DeJesus would like to add an item to the agenda in regards to a Commission retreat and an agenda item in regards to sit and lie.

PUBLIC COMMENT
Emil Lawrence would like a copy of the budget that was discussed.

ROUTINE ADMINISTRATIVE BUSINESS
- **Assignment of disciplinary charges filed in Case No. IVF C10-013, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 7-10, Assigned to Commissioner David Onek)
- **Assignment of disciplinary charges filed in Case No. IVF C10-014, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 8-10, Assigned to Commissioner David Onek)

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Hammer. Approved 6-0.

CLOSED SESSION (7:28 p.m. to 7:49 p.m.)
a. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-151
b. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C09-175
c. PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: JCT C06-188, JWA C09-017, JWA C09-126, JWA C09-209

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Deputy City Attorney Blits, Chief Gascón, Director Tidwell, Attorney Worsham, Lieutenant Reilly, Mr. Steve Johnson, and members involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Before adjourning, Lieutenant Reilly announced that the Commission will hold its Community Meeting in the Northern District, at the African American Art & Culture Complex, 762 Fulton Street, San Francisco, at 6:00 p.m.

Thereafter, the meeting was adjourned at 7:51 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JANUARY 27, 2010
6:00 p.m.

Northern District
African American Art & Culture Complex
762 Fulton Street
San Francisco

7/10

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

2. Captain Ann Mannix, Commanding Officer of Northern Station, to address the Commission on Police Activities in the Northern District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   b. Items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

...

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CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at the African American Art & Culture Complex, 762 Fulton Street, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

JANUARY 27, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Northern District, at the African American Art & Culture Complex, 762 Fulton Street, San Francisco, at 6:00 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Hammer, Onek, Pan
ABSENT: Commissioner Lee

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Gascón gave a brief report on crime stats and discussed a meeting with the Board of Supervisors in regards to the public safety bond measure.

Commissioner Hammer would like an update in regards to backlog in DNA cases.

Commissioner DeJesus asked about the recent officer-involved shooting. Chief Gascón stated that the officers were not told there was a weapon. The officers were told that there were no weapons in the household. The officers did not have a bean bag weapon and that a bean bag weapon would not have been the appropriate weapon due to the closed proximity. The Chief then continued to explain what happened during the incident.

b. OCC Director's Report
- Review of recent activities

Director Hicks talked about the duties and responsibilities of the Office of Citizen Complaints.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall talked about a joint meeting with the Board's Public Safety Committee in regards to the sit and lie ordinance but stated that the Board cannot schedule a joint meeting but asked the Commission to hold its own hearing on the ordinance.

PUBLIC COMMENT

Daniel Landry asked for an update on the status of the PERF report. He also discussed concerns regarding security guard companies and asked for local oversight of security guard companies.

Commissioner Hammer asked the City Attorney to report to the Commission in regards to security guard company's rules and regulations.

Frank Canada discussed concerns regarding the sit and lie ordinance.

CAPTAIN ANN MANNIX, COMMANIDNG OFFICER OF NORTHERN STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE NORTHERN DISTRICT

Captain Mannix described the demographics of Northern Station and discussed police activities in the district. Captain Mannix also recognized Sergeant Marty Lalor for his great work in the Department.

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PUBLIC COMMENT

Linda Chapman, Nob Hill resident, discussed concerns regarding prostitution and the different crimes that go with it. Ms. Chapman also discussed the sit and lie ordinance.

Dr. John Dorsey discussed the need for officers training to understand mental health issues in the African-American community.

Bud Hazelton, Cab Driver Coalition, discussed concerns regarding the staffing of a cab driver and the disbanding of the taxi detail.

Dawn Trenor, Middle Polk Neighborhood Association, commended Captain Mannix as well as the captain of Central Station and discussed crimes committed by commuters from outside of San Francisco.

Commissioner Mazzucco asked about the inspectors move to the station. Lieutenant Plyer stated that he does not have specific numbers but thinks that it is working out great.

Commissioner DeJesus asked about homeless outreach. Captain Mannix explained that generally the community can email her and that the officers are all asked to do homeless outreach.

Commissioner Pan asked about getting information out to the communities. Captain Mannix stated that there is a weekly newsletter which includes safety tips and community alerts are also put out.

Commissioner Marshall congratulated the community and the department for keeping crime rates low in the district.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Items identified for consideration at future Commission Meetings

Commissioner Pan asked that General Order 3.01 be placed on the calendar for discussion in regards to DGOs amended by department bulletins and not going before the Commission.

Commissioner DeJesus asked that commission staffing be added to the agenda and also get a date for sit and lie presentation.

Commissioner Mazzucco asked for a status report in regards to the Patrol Special study and the Department's supervision of patrol specials.

Commissioner Pan asked the Department, the OCC, and the Commission to meet with other city agencies to come up with ideas and solutions in regards to mental health issues.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 6-0.

Thereafter, the meeting was adjourned at 7:51 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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VINCENT PAN
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JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Regular Meeting of November 4, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 4th Quarter 2009 Statistical Report
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Police Proposals (Sparks Resolution) (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-001) (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144, ALW C06-202, and ALW C08-128 (ACTION ITEM)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
- KMO C08-127 & KMO C08-162
- IVF C09-088
- IVF C09-087

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Mission District, at the Eureka Valley Recreation Center, 100 Collingwood, San Francisco, at 6:00 p.m., on Wednesday, February 24, 2010, to hear comments from the public and Mission Station Captain Gregory Corrales concerning public protections issues in the Mission District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
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Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

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YVONNE Y. LEE
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DAVID ONEK
Commissioner

VINCENT FAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Regular Meeting of November 4, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Police Proposals (Sparks Resolution) (DISCUSSION ONLY)

02-01-10A08:58 RCVD

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8 **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-001) (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144, ALW C06-202, and ALW C08-128 (ACTION ITEM)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
- KMO C08-127 & KMO C08-162
- IVF C09-088
- IVF C09-087

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1 The Commission will hold its Community Meeting in the Mission District, at the Eureka Valley Recreation Center, 100 Collingwood, San Francisco, at 6:00 p.m., on Wednesday, February 24, 2010, to hear comments from the public and Mission Station Captain Gregory Corrales concerning public protections issues in the Mission District.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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FEBRUARY 3, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Lee, Hammer, Onek, Pan
ABSENT: Commissioner Marshall
(Commissioner Lee arrived at 6:55 p.m.)

APPROVAL OF THE MINUTES
- Regular Meeting of November 4, 2009

Motion by Commissioner Hammer, second by Commissioner DeJesus. Minutes approved 5-0.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**

Assistant Chief Lynch reported that on January 29th, Chief Gascón had a press conference to lay out his goals for the Department. These goals are posted on the Department's website.

b. OCC Director's Report
- **Review of recent activities**

Director Hicks reported that the OCC opened 71 cases in January and closed 58 cases. Out of the 58 cases, five were sustained. The OCC has 397 pending cases to date. As for mediation, Director Hicks reported that Ms. Donna Salazar, Mediation Coordinator, is on an unexpected leave since December 24th and is expected to return in late February. During this time, Ms. Samara Marion is managing the mediation caseload.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Report**

Commissioner Mazzucco announced that Commissioner Marshall is in South Africa. Commissioner Mazzucco talked about the press conference in regards to Department goals. Commissioner Mazzucco also spoke about the passing of Monsignor Heaney and asked that the meeting be adjourned in memory of Monsignor Heaney.

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PUBLIC COMMENT
None

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICY PROPOSALS (SPARK RESOLUTION)

Ms. Samara Marion, OCC Policy Analyst, presented the OCC's policy recommendations in regards to language access and in regards to DGO 7.01.

Lieutenant Rob O'Sullivan presented the Department's quarterly policy proposals report.

Commissioner DeJesus asked about resolution about providing information to family members of an OIS shooting.

PUBLIC COMMENT

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

b. Scheduling of items identified for consideration at future Commission Meetings

No announcements.

Commissioner Mazzucco asked that the OCC and the Department's budget be scheduled next week for presentation. He also asked that Department DGO 3.01 be scheduled for next week.

Commissioner DeJesus would like a discussion on the proposed sit and lie ordinance before the 1st of March.

Commissioner Onek asked that the Discipline Rules and Procedures be put on the agenda as soon as possible and the OIS Study should also be discussed since it's been out and available to the public.

Commissioner Mazzucco suggested putting the sit and lie discussion on the agenda for the community meeting at the end of the month and in the interim contact the Board of Supervisors to schedule a joint hearing or to ask them if they can delay their hearing on this issue.

Commissioner DeJesus stated that she prefers to have the hearing at City Hall because it is the Department pushing the ordinance.

PUBLIC COMMENT

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Pan. Approved 5-0.

CLOSED SESSION (6:25 p.m. to 7:42 p.m.)

a. PUBLICCEMPLOYEE PERFORMANCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-001)

(PRESENT: Commissioners Mazzucco, DeJesus, Lee, Onek, Pan, Hammer, Assistant Chief Lynch, Lieutenant Reilly, Sergeant Nevin)

b. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144, ALW C06-202, and ALW C08-128

(PRESENT: Commissioners Mazzucco, DeJesus, Lee, Onek, Pan, Hammer, Assistant Chief Lynch, Lieutenant Reilly, Attorney Worsham, Attorney Scott, member involved) Continued to March 3rd.

c. PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:

- **KMO C08-127 & KMO C08-162**
- **IVF C09-088**
- **IVF C09-087**

(PRESENT: Commissioners Mazzucco, DeJesus, Lee, Onek, Pan, Hammer, Assistant Chief Lynch, Lieutenant Reilly, Attorney O'Haire, Attorney Lassart, members involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSE SESSION

Motion by Commissioner Onek, second by Commissioner Pan for non disclosure. Approved 6-0.

ADJOURNMENT

Motion by Commissioner Mazzucco to adjourn the meeting in memory of Monsignor John Heaney, second by Commissioner Hammer. Approved 6-0.

Thereafter, the meeting was adjourned at 7:44 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Minutes** (ACTION ITEM)
   - Regular Meeting of December 2nd and 9, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

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3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to approve the San Francisco Police Department's budget for fiscal year 2010/2011 (ACTION ITEM)

5. Discussion and possible action to approve the Office of Citizen Complaints' budget for fiscal year 2010/2011 (ACTION ITEM)

6. Discussion regarding Department General Order 3.01, "Written Communication System" (DISCUSSION ONLY)

7. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of Disciplinary Charges filed in Case No. JWA C09-255 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

8. Public Comment on all matters pertaining to Closed Session

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

9. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

10. **Closed Session**

    a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
    CONFERENCE WITH LEGAL COUNSEL
    Thomas Barnes v. CCSF, SF Superior Court No. 476339

    b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
    PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case No. C06-132 pursuant to Government Code Section 3304(d) (ACTION ITEM)
    The following time limits will apply:
    Charged Officer's Opening Argument including witness examination: up to 20 minutes
    OCC's Opposition including witness cross examination: up to 20 minutes
    Charged Officer's Rebuttal: up to 10 minutes

(OPEN SESSION)
Roll Call.

11. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

12. Approval of Consent Calendar (ACTION ITEM)
    a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
    Thomas Barnes v. CCSF, SF Superior Court No. 476339

13. **Adjournment** (ACTION ITEM)

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FEBRUARY 10, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Onek, Pan
ABSENT: Commissioner Hammer
(Commissioner DeJesus arrived at 5:40 p.m.)

APPROVAL OF THE MINUTES

- **Regular Meeting of December 2nd and 9, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SAN FRANCISCO POLICE DEPARTMENT'S BUDGET FOR FISCAL YEAR 2010/2011

Item taken out of order.

Mayor Gavin Newsom addressed the Commission in regards to the City's budget and the challenge the City faces in regards to the budget.

PUBLIC COMMENT

Peter Alexander Chernoff discussed concerns regarding the budget and the case of Kevin Collins.

Emile Lawrence discussed concerns regarding the budget and submitted request for documents.

Raj discussed concerns regarding covert gang activities.

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DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SAN FRANCISCO POLICE DEPARTMENT'S BUDGET FOR FISCAL YEAR 2010/2011

Director Ken Bukowski presented the Department's budget for fiscal year 2010/2011.

Commissioner Mazzucco asked about additional revenues and ways to raise revenues. Director Bukowski stated that the Department is looking into different options for generating revenue.

Commissioner Mazzucco asked about the issue on Broadway Street and a way to seek reimbursement from the proprietors of clubs.

Commissioner DeJesus suggested having a committee in regards to passing legislation with the Board of Supervisors to have clubs pay extra for security that they use. Commissioner DeJesus also asked about the 1824 Principal Administrative Analyst in the Commission budget. Director Bukowski stated that the funding is available but it also requires a personnel requisition to be approved by the Mayor's Office and DHR.

Commissioner DeJesus also asked about security details for elected officials and where is it reflected on the budget. Director Bukowski stated that it comes under regular salaries and overtime. Chief Gascón stated that the Department is not ready to publically discuss details in regards to dignitary protection.

Commissioner Pan asked that, in terms of the 20 percent reduction and 10 percent contingency, he would like to see a breakdown in terms of layoffs,

furloughs, and a combination of both so that the public can understand what's really on the table.

Chief Gascón stated that his only concern is that there are labor negotiations going on and that he would not want to jeopardize any of negotiations that are going on.

Commissioner Lee asked for a subcommittee to work with Director Bukowski in terms of coming up with additional revenues. Commissioner Lee also asked about mandatory fringe benefits. Director Bukowski explained that mandatory fringe benefits are benefits set at the city level and that the department has no control over it.

Commissioner DeJesus stated she would be happy to meeting with Commissioner Lee and Mr. Bukowski to discuss the budget.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OFFICE OF CITIZEN COMPLAINTS' BUDGET FOR FISCAL YEAR 2010/2011

Director Hicks presented the OCC's budget for fiscal year 2010/2011. Director Hicks stated that in order to meeting the $540,000 or 20 percent reduction, the OCC will have to lay off 5.25 positions which would include three clerk typists, 1.25 investigator, and one attorney. In order to meeting the $270,000 or 10 percent contingent reduction, the OCC will have to lay off 3.5 positions.

Commissioner Onek asked if the OCC have thought of wage concessions. Director Hicks explained that the wage concessions will be done citywide and the OCC staff is covered by five different unions.

PUBLIC COMMENT
None

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Gascón gave a brief crime update stating that crime is down 19 percent in part one crimes. The Chief also talked about attending the meeting of Major Cities' Chief of Police in Austin. The Chief also talked about a shooting incident at the Suede Club where four people were injured and one was killed. The police responded to this location Friday night, Saturday night, and Sunday morning the incident happened.

Commissioner Lee asked who is in charge of reviewing and/or suspensions of entertainment clubs. Chief Gascón stated that the Police Department does not have jurisdiction in closing or suspending entertainment facilities. That is under the jurisdiction of the Entertainment Commission.

Commissioner DeJesus discussed concerns about a Charter amendment addressing the Chief's ability to fire officers and stated that she will meet with the City Attorney and draft a resolution for discussion that will instruct the Chief to put specific issues in front of the Commission and obtain consent prior to presenting legislation or policy initiatives regarding the Department to the Board of Supervisors, the Mayor, and the citizens. Commissioner DeJesus also expressed concerns regarding an article on the Chronicle.

Chief Gascón explained that there were discussions that took place with the POA and members of the Commission that were assigned to represent the Commission in the discussion. The Chief also explained that there was a discussion of drafting a potential Charter amendment and the POA attorney was

the only one who volunteered to draft the amendment and with the full understanding that it will be a discussion draft. The discussion draft was put before the subcommittee put together by the Commission and the discussion evolved that the City Attorney should write the draft as opposed to the POA attorney and that was done. The Chief stated that the City Attorney wrote a draft and further discussions entertained the idea of perhaps the supervisors should review the draft. Prior to the holidays, Supervisor Campos was given a copy of the draft with the understanding that the Supervisor, the Chief, and others will have discussions regarding the City Attorney's draft after the holidays. These discussions are still pending and have not yet happened.

Commissioner Onek stated that he was one of the three members of the Commission who were asked by the Commission to represent the Commission. Commissioner Onek explained that there were three commissioners present along with the OCC, members of the Board of Supervisors' office, and key people to discuss this matter repeatedly saying that this means nothing until it comes before the full Commission.

Commissioner Mazzucco stated that the Chronicle article was inaccurate in regards to the discipline process. Commissioner Mazzucco stated that the Department, the POA, and the Commission need to work with each other toward reaching the goal of a better disciplinary system and that finger-pointing is not going to work.

Commissioner Lee stated that she was one of the commissioners that attended the initial meeting and stated that at that meeting, it was clear that, while the system needs to be reformed, the integrity, the oversight power of this Commission needs to be respected. She stated that it was agreed upon that the committee will draft something and bring the draft before the Commission for review. Commissioner Lee stated it never happened because the December deadline to meet the June ballot no longer happened and so the draft was never presented to the full Commission. There were no intentions to leave anyone out. Commissioner Lee also stated that the article was not completely accurate and asked the Commission, with the signature of the President, write a letter to the editor to clarify things that challenged the integrity of the individuals in the Commission and also to clarify the disciplinary process.

Commissioner Pan stated that because of time pressures, things started in a way that were not the best way and suggested that in matters like this, instead of having several members of the Commission participate in meetings that are then less public, maybe a better way of starting is to have a public meeting where all of the commissioners can contribute their ideas and the members who do participate in meetings with the POA, the Board and the Mayor can have a sense of the ideas other commissioners might have to offer.

Commissioner Marshall stated that he did speak to the reporter in regards to the article and has given him the history of everything that the Commission has covered. Commissioner Marshall also stated that the subcommittee had a discussion and had nothing in writing. He stated that there was no hearing because there was no document produced to have a hearing on. Commissioner Marshall also thanked the Chief for what he has done as far as discipline because it has been tremendous progress.

Commissioner Onek stated that the Commission needs to step up to move the disciplinary cases forward and commended the Chief for stepping up and asking his own team to think creatively about ways to resolve these cases and reach settlement.

Commissioner DeJesus stated that there should be guidelines in place so that everyone has the understanding of what should come before the full Commission.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that the opened 98 cases this year and closed 85 cases with eight cases sustained. The OCC has 394 pending cases to date.

c. Commission Reports
- Commission President's Report
- Commissioners' Report

None

PUBLIC COMMENT
None

DISCUSSION REGARDING DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Lieutenant Rob O'Sullivan, Compstat, presented the overview regarding DGO 3.01, "Written Communication System."

Commissioner Pan asked what happens if there is a unit order in conflict with a general order. Lieutenant O'Sullivan stated that the general order stands.

Commissioner Pan also asked about Department Bulletins amending General Orders and requested that when the Department uses a department bulletin to amend a general order that it be presented before the Commission as part of the consent calendar at its next meeting to avoid inconsistencies.

Commissioner Pan asked the Department to come back in 30 days with suggestions specifically for DGO 3.01.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
- Assignment of Disciplinary Charges filed in Case No. JWA C09-255 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution No. 11-10, Assigned to Commissioner Yvonne Lee)

Lieutenant Reilly announced that the Commission will meet in the Mission District, at the Eureka Valley Recreation Center, 100 Collingwood, San Francisco, on Wednesday, February 24th, at 6 p.m.

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner DeJesus would like to invite Supervisor Mirkirimi to address the Commission on February 17th in regards to foot patrol and on dignitary issue and the amount the Department spends on security. Commissioner DeJesus also asked that the sit and lie issue be calendared for March 3rd. Commissioner DeJesus also asked to calendar a resolution in regards to what should be vetted at the Commission level for March 17th. Also, Commissioner DeJesus would like the analyst position for the Commission and a closed session on the amount of money the Department spends on dignitary issues. Commissioner DeJesus would also like a closed session to evaluate the Chief's performance for either the March 3rd or 10th meeting.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Emil Lawrence discussed concerns why the commission is having a closed session so late.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

CLOSED SESSION (8:44 p.m. to 9:00 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL**
Thomas Barnes v. CCSF, SF Superior Court No. 476339

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly)

b. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case No. C06-132 pursuant to Government Code 3304(d)**

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan, Chief Gascón, Lieutenant Reilly, Attorney Fortes, Attorney Stiglich, member involved))

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan for non disclosure. Approved 6-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney: Thomas Barnes v. CCSF, SF Superior Court No. 476339**

Motion by Commissioner Onek, second by Commissioner Pan. Approved 6-0.

RESOLUTION NO. 12-10

THOMAS BARNES v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Thomas Barnes v. City and County of San Francisco," in San Francisco Superior Court Case No. 476339, be, and the same is hereby approved.

Date of Incident: February 23, 2007

AYES: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Pan
ABSENT: Commissioner Hammer

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Pan, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 10:46 p.m.

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

02-18-10A11:03 RCVD

1. **Approval of the Minutes** (ACTION ITEM)
   - Regular Meeting of December 16, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's Five Year Study of Office Involved Shootings
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. Discussion and possible action to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force" and Department General Order 10.02, "Equipment," to include the use of Conducted Energy Devices (CED), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission (ACTION ITEM)

5. Discussion and possible action to approve the San Francisco Police Department's budget for fiscal year 2010/2011 (ACTION ITEM)

6. Discussion and possible action to approve the Office of Citizen Complaints' budget for fiscal year 2010/2011 (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
   b. Scheduling of items identified for consideration at future Commission Meetings

8. Public Comment on all matters pertaining to Closed Session

9. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

10. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case Nos. JCT C06-188, KMO C08-150, JWA C09-017, JWA C09-126 & JWA C09-209. Member involved submitted his resignation from the Department, effective July 1, 2010. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. ALW C07-023 (ACTION ITEM)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JCT C06-184 (ACTION ITEM)
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JCT C06-185 (ACTION ITEM

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION)
Roll Call.

11. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Mission District, at the Eureka Valley Recreation Center, 100 Collingwood, San Francisco, at 6:00 p.m., on Wednesday, February 24, 2010, to hear comments from the public and Mission Station Captain Gregory Corrales concerning public protections issues in the Mission District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes, unless the Commission President sets a different time limit as provided in the Commission's Rules (Administrative Code 67.15(c)).

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: DONNA HALL, ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-7744; E-MAIL: sotf@sfgov.org. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.sfgov.org/sunshine.

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 17, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

APPROVAL OF THE MINUTES

- **Regular Meeting of December 16, 2009**

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

CLOSED SESSION taken out of order

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 7-0.

CLOSED SESSION (5:40 p.m. – 6:49 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case Nos. JCT C06-188, KMO C08-150, JWA C09-017, JWA C09-126 & JWA C09-209. Member involved submitted his resignation from the Department, effective July 1, 2010. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future** (Resolution No. 15-10)
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Attorney J. Alden)

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in case No. ALW C07-023** (Resolution No. 16-10)
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Attorney J. Alden, Attorney Lassart, & member involved)

c. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JCT C06-184** (Resolution No. 17-10)
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Alden, Attorney Jasmin, & member involved)

d. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JCT C06-185** (Resolution No. 18-10)
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Attorney Alden, Attorney Jasmin, & member involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

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Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 7-0.

PUBLIC COMMENT

Francisco Decosta asked that the Commission work well with the officers.

Barbara Growth discussed concerns regarding marital disputes.

Reginald Green commended the Chief for walking through the Tenderloin and expressed support for Tasers.

Raj discussed concerns regarding dangerous criminal activities.

Unidentified stated that in fighting must stop and everyone must come together to solve the problem.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of the department's Five Year Study of Officer Involved Shootings**

Chief Gascón deferred his time to Assistant Chief Tabak who presented the Department's Five Year Study of Officer-Involved Shootings. Assistant Chief Tabak briefly summarized some of the major findings and recommendations: (1) Shooting at moving vehicles, policy being made that would prohibit shooting at moving vehicles. (2) Shooting Scene Management, recommendation to have commissioned officer (captain or higher) respond to the scene of an OIS to insure all measures are taken in respect to the process, witnesses, crime scene etc. (3) Investigations, standardize the investigative process to make it a more uniformed numbering system consistent between Management Control and Homicide. (4) Employee Assistance Program, make the EAP (Employee Assistance Program) more robust and expand to make it a more long term process where the officers are reached out to, debriefed, or offered counseling for up to a year. (5) Community Outreach, provide counseling services through DPH to the impacted community after an OIS much like in homicides. (6) Mental Health Training, make sure that everyone in the Department receives the Police Crisis Intervention Training and the Department is developing a program to fastrak this process.

Commissioner Onek thanked Chief Tabak for a very thorough report and highlighted some of the findings that he found very important.

Commissioner Hammer asked about Mental Health Training and the 18-month period to get the full Department fully trained. Chief Tabak stated that the Department is proposing to expedite training by including more classes. The Department is also looking at ways to condense the training without losing any critical and maybe include a 20-hour class to get more people through.

Commissioner Mazzucco thanked Chief Tabak for his report.

Commissioner Pan thanked Chief Tabak and Chief Gascón for the OIS Report. Commissioner Pan also asked about Department General Orders 3.11, 5.02, 5.05, and 8.11. Chief Tabak stated that the general orders are going though the concurrence process and will go to the Commission for approval.

Commissioner DeJesus thanked Chief Tabak for his report. Commissioner DeJesus asked about the 40-hour mental health training and when it will be implemented for the officers that have not had the training. Assistant Chief Tabak stated that the Department is in the process of identifying those members and in particular the supervisors who have not had the training and get them trained within 18 months.

Commissioner DeJesus also asked about the Language Access Program and its implementation. Chief Tabak stated that the Department is in discussions now on implementing recommendations under DGO 5.20. Commissioner DeJesus

asked about the extended weapon discharge be included under the use of force. Chief Tabak stated that yes, it will be added.

Commissioner DeJesus also asked about the 911 issue where officers receive correct information in regards to mentally ill issues. Chief Tabak stated that the Department have reached out to the Department of Emergency Services and try to develop a mask where certain addresses will be tagged so that as officers respond, they will have the previous history, not just the closure history but the actual call out history.

Commissioner Marshall commended Chief Tabak and everyone involved for an excellent report.

PUBLIC COMMENT
Barbara Growth discussed concerns.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE" AND DEPARTMENT GENERAL ORDER 10.02, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED), AND TO DEVELOP POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND THE POLICE EXECUTIVE RESEARH FORUM, SUBJECT TO THE FINAL APPROVAL OF THE POLICE COMMISSION

Mr. Chuck Wexler, Mr. Bruce Taylor, and Mr. Craig Fraser, PERF, (via telephone) talked about recommendations made by PERF in regards to the use of conducted energy devices.

Questions by Commissioners Hammers, DeJesus, and Lee followed.

Chief Gascón thanked Mr. Wexler, Mr. Taylor and Mr. Fraser for their presentation.

Sheriff Mike Hennessey, San Francisco Sheriff's Department, discussed the use of Tasers by the Sheriff's Department. Sheriff Hennessey stated that they have used Tasers eight times in the past eight years.

Questions and comments by Commissioners Hammer, Mazzucco, DeJesus and Onek followed.

Mr. Scott Greenwood, ACLU, addressed the Commission in regards to use of force and the officer involved shooting study.

Commissioner Pan asked what is the position of the ACLU on Tasers. Mr. Greenwood stated that the ACLU's position on Tasers is policy 208 and that, like any less lethal tools, the ALCU favors the use of less lethal tools and weapons provided that appropriate policies are put into place.

Questions and comments by Commissioners Pan, Marshall, DeJesus, Hammer, and Lee followed.

Dr. Dawes, Emergency Physician Southern California & reserve police officer, talked about his research in less lethal weapons and medical studies done in regards to conducted energy devices.

Questions and comments by Commissioners Mazzucco and DeJesus followed.

Captain Dominic Celaya, Tenderloin Station, introduced Sergeant Joe McCloskey who was involved in a 40-second incident involving a violent suspect where he came to almost using deadly force.

Chief Gascón explained that he asked Sgt. McCloskey to attend the meeting because it is important to recognize that a Taser is not a replacement for a gun and that there are incidents, like the one Sgt. McCloskey described, where a CED could have been used to avoid injury to the officers and other individuals.

Chief Gascón continued to make the following statement:

"My point is that I think it is important to recognize that as we re-embark down this process that I hope you would approve today for us to move forward and develop policy that will involve community discussion, it will involve other stakeholders, eventually adoption of a Taser policy to also recognize that this is a tool that has a much broader application than just simply when you are on a daily force scenario. Clearly it makes a difference in many cases where deadly force would be appropriate, but there is also other cases where you are dealing with very aggressive, combative individuals where a CED could be a very appropriate use of force and that is where you see, quite frankly, tremendous reductions on injuries to officers and suspect.

When we did the analysis on use of force here, we concentrated on shootings that were classified as an officer-involved shooting in our city because we knew that we had a lot of data to be able to analyze. We knew that the further that we move away from those investigations, the more questions with the quality of the data was. In fact, Chief Tabak and I talked about it several times and I want to say what about every time we used a firearm and we came to the recognition that we may not have the level of quality on the investigation that would give us good solid data to analyze.

I mis-spoke earlier about the comparison. I apologize because I know for a fact that the definition of an OIS in this city is very different from many other cities but I mis-spoke when I said that we were not comparing apples with apples, and I appreciate that I was corrected on that, but I don't want to leave this Commission with the impression today that we're only looking at this tool as a replacement or only a tool that would only be used when a firearm can be used because it is further from the truth and, in fact, I think what you would see as we look at the studies that Mr. Greenwood will provide and certainly PERF is that we're going to see there's a reduction in injuries in events that would not have necessarily been incidents where the firearm was an appropriate tool.

I wanted to bring this Tenderloin case here because this is a San Francisco case and it's a recent case. I know that we have hundreds cases that we can go back to but this was a very recent case, one that I became aware of. I personally talked to Joe the night of the incident because I wanted to see how he was doing. In fact, I called all four officers, and when he started to describe the incident to me and he talked to me about how close he was to using the firearm, I said this could be a good case to illustrate to the Commission what we're talking about.

I think we have an opportunity today to make a difference in this community, to make a difference with the men and women that have to go out there and put on the uniform and deal with extremely extremely difficult conditions, and as the study that we've presented to you indicates, the men and women of the San Francisco Police Department have been very disciplined in the way that they use force, certainly in the way that they use deadly force. They deserve the support of this Commission. They deserve the support of this community. And frankly, the community that we serve also deserves to have a police department that has more tools in the bag so that some of the incidents that we're engaging, we can reduce the likelihood of injury.

We're not talking about a roll out that is going to happen over a week or two. The reality is that once you approve a policy, which by the way, you know, even before you even look at it, we're going to bring you something that is going to be very restrictive. We're looking at the 9th Circuit decision in this case. We're looking at other departments that use this force, with a great deal of thought in training. The reality is it's going to take this department easily a year to roll this force out. We have to train people. The training will be extensive. We want to make sure that we do it thoughtfully. We have to create reporting mechanisms, not only to account for this force but frankly for other levels of force that we use down the ladder, not necessarily only shootings.

So the goal here would be that you give us enough time, and I'm asking for 90 days, to go out and prepare a draft of the use of force policy, a draft that would be provided as a result of discussions throughout the community. I have been talking to Northern California ACLU. As a matter of fact I invited them to come here today because it is important that they will be a partner at the table. I think we also have to go just to our communities. We have to discuss what we are embarking here. I would hope that within 90 days we come to you, we present you with a thoughtful policy then you can take a look at it and you can provide further input. I will welcome the participation of some Board appointees, police commissioners that would work with us in this process. We want to be extremely transparent. We're not looking to do anything behind the scene. To the contrary, we want to be very open.

But, I think at the end of the day, this Commission, and certainly myself as the Chief of Police, all the men and women of this organization better than what they have today. The incident that occurred at the Tenderloin four weeks ago should not have occurred at this day and age. There are other tools out there and we should not be subjecting our men and women to this level of violence without the right tools. On the other hand, we know that there are probably people that we have increased the level of injuries to them during the altercations where if we had the Taser or another CED, those injuries would probably have been reduced significantly.

So I urge you ... we have provided you with a legal review by someone that is certainly not an advocate of Taser per se, he is someone that have been involved in the civil rights community, and we have a doctor that certainly has done work for Taser but nevertheless the studies that he's mentioning are open for your review. We have provided you with the experience of the men and women in this organization. We brought in PERF. I think there's ample evidence for you to make a decision today to move forward so that we can continue the exploration process with the ultimate goal of developing a policy that would allow the men and women of this organization to avail themselves of a very useful tool.

I do not advocate use by special units. I think, as it was stated earlier by Mr. Greenwood, that frankly my own personal opinion having come from a department that initially having only with a very limited use of sergeants and then we tried to expand it but due to budgetary restraints we did not have enough to give around. That generally did not work well. In fact, the usual problem was that the Taser was always too late to make a difference. When we roll this out I recommend a universal roll out. I do say this with a caution, and when I'm talking universal, I'm talking about , maybe pool might be a better term, meaning that we would have to pool the weapons because we probably won't have enough funding to issue each and every individual officer a Taser. It is not optimal, but I would certainly recommend that every patrol officer that goes out on the field and other uniformed personnel, vice and other people that are in field enforcements will have a CED available to them on their belt when they go out on duty. Ultimately, we want to issue them to everyone.

I have come from both. I have come from a scenario of full issue and then when I was in Mesa, when I got there and we actually issued them to everybody but we also raised the threshold of the use and we saw, not only a reduction in the

use of force but we saw a significant reduction in injuries to officers and others. So it is a very useful that if used appropriately belongs in the tool bag of the San Francisco Police Officers today."

Questions and comments by Commissioners DeJesus, Lee, Onek, Mazzucco, Hammer, Pan, and Marshall.

Chief Gascón explained that the Department is not asking for approval of the policy or for an approval for the use of the taser. The Department is asking for approval to go out, put together a proposal, discuss it with the community, with participation from the Commission, and then come back before the Commission.

Commissioner Onek stated that all the vote is for is to start the process, with heavy community involvement, heavy OCC involvement, involvement from three commissioners and for the Chief to come back in 90 days for the Commission to make a final decision.

Commissioner DeJesus discussed concerns that she sees it as the Commission voting to change the policy to include Tasers in the arsenal and have the Chief go out and meet with the community and then decide the policy for Tasers and that the Commission will be approving the final policy. Commissioner DeJesus stated that the Commission has not had the opportunity to read and study all that was presented in tonight's meeting and stated that she would like to make an informed decision and that she agrees with Commissioner Lee in giving the public the opportunity to give feedback.

PUBLIC COMMENT

Dr. Melenach, Medical Examiner's Office, stated the CEDs are a useful tool but stated that she still has concerns when used with persons that are intoxicated or under the influence of drugs.

Tony Montoya, SFPOA Secretary & Chair of Uniform Safety Committee, stated that the Chief is simply asking to proceed forward with the 90-day study.

Dr. Nicholas Lemus, Chief Toxicologist, asked that toxicology be included in this study of CEDs.

Steve Johnson, SFPOA, discussed concerns regarding delaying the approval to move forward.

Motion by Commissioner Mazzucco to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of Conduct Energy Devices (CED), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission. Second by Commissioner Onek.

Motion by Commissioner Lee to continue this item in two weeks, second by Commissioner Pan.

Commissioner Mazzucco stated that this is a vote to start the process, move forward and hear from the public.

Commissioner Hammer stated that if one of the Commissioners needs more time to reflect on this study, he will grant it.

Commissioner Pan stated that he agrees with Commissioner Lee.

Commissioner Onek reiterated that this is a vote to start the process and that this is not the final vote.

Motion by Commissioner Mazzucco to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of Conduct Energy Devices (CED), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission. Second by Commissioner Onek.

AYES: Commissioners Marshall, Mazzucco, Onek
NAYS: Commissioners DeJesus, Lee, Pan, Hammer

Motion fails 4-3.

Motion by Commissioner Lee to authorize the Chief of Police to report to the community within two weeks the pertinent information presented today and the meeting will be with community stakeholders via the advisory committees and then report back to the Commission on March 3rd so that the Commission can vote on starting the process.

Motion as clarified by Commissioner Hammer to move item on March 3rd, without asking the Chief to do anything, invite everybody who wants to speak on this item and then vote to start or not start the process. Second by Commissioner Mazzucco. Approved 7-0.

AYES: Commissioners Mazzucco, DeJesus, Lee, Onek, Pan, Hammer, Marshall

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SAN FRANCISCO POLICE DEPARTMENT'S BUDGET FOR FISCAL YEAR 2010/2011

Director Bukowski, Fiscal, presented the Department's budget for fiscal year 2010/2011.

Commissioner Pan expressed concerns regarding 20 percent reduction.

Commissioner DeJesus requested a closed session to discuss the amount spent for dignitary protection.

Motion by Commissioner Lee, second by Commissioner Onek. Approved 4-2.

RESOLUTION NO. 13-10

APPROVAL OF THE SFPD BUDGET FOR FISCAL YEAR 2010/2011

RESOLVED that the Police Commission hereby approves the SFPD budget for fiscal year 2010/2011.

AYES: Commissioners Marshall, Lee, Hammer, Onek
NAYS: Commissioners DeJesus, Pan
EXCUSED: Commissioner Mazzucco

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE OCC'S BUDGET FOR FISCAL YEAR 2010/2011

Director Hicks presented the OCC's budget for fiscal year 2010/2011.

Motion by Commissioner Onek, second by Commissioner Lee. Approved 6-0.

RESOLUTION NO. 14-10

APPROVAL OF THE OCC BUDGET FOR FISCAL YEAR 2010-2011

RESOLVED that the Police Commission hereby approves the OCC budget for fiscal year 2010/2011.

AYES: Commissioners Marshall, DeJesus, Lee, Hammer, Onek, Pan
EXCUSED: Commissioner Mazzucco

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement
b. Scheduling of items identified for consideration at future Commission Meetings

Lt. Reilly announced that the Commission will meet in the Mission District on Wednesday, February 24, 2010, at 6:00 p.m., in the Eureka Valley Recreation Center, 100 Collingwood, San Francisco.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned at 11:37 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 27, 2010
6:00 p.m.

Mission District
Eureka Valley Recreation Center
100 Collingwood
San Francisco

2/24/10]

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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2. Captain Gregory Corrales, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. JWA C10-050 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, FEBRUARY 24, 2010
6:00 p.m.

Mission District
Eureka Valley Recreation Center
100 Collingwood
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

2. Captain Gregory Corrales, Commanding Officer of Mission Station, to address the Commission on Police Activities in the Mission District (DISCUSSION ONLY)

3. **Public Comment**
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4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. IWA C10-050 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

02-22-10A08:51 RCVD

5. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

FEBRUARY 24, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Mission District, Eureka Valley Recreation Center, 100 Collingwood, San Francisco, at 5:13 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Hammer, Onek, Pan
ABSENT: Commissioner Lee

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves.

Supervisor Bevan Dufty addressed and welcomed the Commission to his district and commended Captain Greg Corrales.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Gascón addressed the Commission and went over the year-to-date crime statistics.

Commander Dudley reported regarding hate crimes in the LGBT community.

Officer Wong reported in regards to the Department's recruitment in the LGBT community.

b. OCC Director's Report
- Review of recent activities

Director Hicks described the duties and responsibilities of the Office of Citizen Complaints. Director Hicks also talked about the OCC's Mediation Program.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall reported on the efforts by the Commission in regards to the discipline process.

PUBLIC COMMENT
None

CAPTAIN GREGORY CORRALES, COMMANDING OFFICER OF MISSION STATION, TO ADDRESS THE COMMION ON POLICE ACTIVITIES IN THE MISSION DISTRICT

Captain Corrales addressed and welcomed the Commission to the Mission District. Captain Corrales went on to describe demographics and police activities in the district. Captain Corrales introduced Lieutenant Pedrini who presented a Citizen's Commendation to Mr. Rivoire.

PUBLIC COMMENT

Janelle Harris, Intervention Service Director Mission Neighborhood Center/Bernal Dwelling Family Resource Center, acknowledged the "A" Team consisting of Officer Mike Moody, Officer Zachos, Officer Pete, Richardson, Officer Bobby Sanchez, Officer Joe Valdez, and Officer Nash Balinton for their

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work in the Bernal Dwelling and hopes and wishes that their "A" Team be sent back to the Bernal Dwelling.

Richard McGarry, Castro Upper Market Community Benefit District, expressed deep respect and gratitude to Captain Corrales and members of the Mission Station for their work with the Castro CBD.

Elizabeth Meisner, Haight Street resident, discussed concerns regarding aggressive panhandlers in the area and the concern for public safety.

Craig Gold, Sunny Vibrations, discussed quality of life and asked for support for his business.

Arthur Evans, Haight Street resident, talked about sit/lie law and tasers law and concerns in regards to situation in the Haight.

Ted Lowenberg, Haight Ashbury Improvement Association, discussed sit/lie law. He also commended Chief Gascón for his vision and initiative.

Alfredo Najerra, Safety Network, discussed concerns regarding removal of Mission Beacon from Everett Middle School and asked for support from the Commission to keep Mission Beacon.

Channing Moore, Albion Street resident, asked about stepped up enforcement in entertainment clubs. Chief Gascón explained an incident at Suede Club and other incidents in regards to violence around clubs.

Unidentified, Stockwell Street resident, discussed concerns regarding panhandlers in the neighborhood and thanked Captain Corrales.

Patrick Bach commended the Chief and went on to talk about the sit/lie law and the homeless problem and stated that San Francisco needs a sit/lie law.

Valerie Tulier, Mission Beacon Director, discussed concerns regarding the move of Mission Beacon from Everett Middle School to Ceasar Chavez Elementary School.

Unidentified, apartment manager, asked the Commission to support the Chief.

Questions and comments by Commissioners Hammer, Mazzucco, and DeJesus.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

- **Assignment of Disciplinary Charges filed in Case no. JWA C10-050 to an individual Commission for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 19-10, Assigned to Commissioner Joe Marshall)

b. Items identified for consideration at future Commission meetings

Commissioner Hammer asked about the Commission Hearing Rules and that it will move forward on March 3rd.

Commissioner Pan asked for presentation from the department regarding the sit/lie law. Commissioner Marshall stated that it will be moved back one week.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 6-0.

Thereafter, the meeting was adjourned at 8:09 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

The Police Commission

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Secretary

February 22, 2010

NOTICE OF HEARING
Wednesday, March 3, 2010

On March 3, 2010, at its regularly scheduled meeting in Room 400, City Hall, the Police Commission will consider adopting revisions to the *"Police Commission Procedural Rules Governing Trial of Disciplinary Cases"*.

Copies of the proposed rules are available from the Commission Office.

Questions or comments may be directed to the Commission Secretary.

Please check the March 3rd 2010 agenda to confirm that the hearing will take place as scheduled.

02-22-10P03:01 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 3, 2010
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

PLEASE NOTE EARLY START TIME

Roll Call; Pledge of Allegiance

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144, ALW C06-202, and ALW C08-128 (ACTION ITEM)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-132 (ACTION ITEM)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
      - IVF C09-143
      - RMW C08-110
      - RMW C08-111
      - ALW C08-074
      - ALW C08-181
      - ALW C09-062
      - KMO C08-137

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(OPEN SESSION)
Roll Call.

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 3, 2010
5:00 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

6. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

7. Discussion and possible action to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force" and Department General Order 10.02, "Equipment," to include the use of Conducted Energy Devices (CED) ("Taser"), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission (ACTION ITEM)

8. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (ACTION ITEM)

9. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
   b. Scheduling of items identified for consideration at future Commission Meetings

10. **Adjournment** (ACTION ITEM)

... SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Bayview District, at the Grace Lutheran Church, 465 Woolsey Street, San Francisco, at 6:00 p.m., on Wednesday, March 31, 2010, to hear comments from the public and Bayview Station Captain Gregory Suhr concerning public protections issues in the Bayview District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
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Accessible seating for persons with disabilities and wheelchairs will be available.

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MARCH 3, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:05 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 5-0.

CLOSED SESSION (5:06 p.m. to 6:51 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case Nos. JCT C06-144; ALW C06-202, and ALW C08-128.** (Resolution No: 20-10)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. C06-132** (Resolution No. 21-10)

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

c. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:**
- **IVF C09-143**
- **RMW C08-110**
- **RMW C08-111**
- **ALW C08-074**
- **ALW C08-181**
- **ALW C09-062**
- **KMO C08-137**

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Deputy District Attorney Blits, Chief Gascón, Lieutenant Reilly, and parties involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHIEF OF POLICE TO DEVELOP MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE," AND DEPARTMENT GENERAL ORDER 10.01, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED) ("TASER"), AND TO DEVELOP POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH

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PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND THE POLICE EXECUTIVE RESEARCH FORUM, SUBJECT TO THE FINAL APPROVAL OF THE POLICE COMMISSION

Taken out of order.

Commissioner Lee introduced UCSF Dr. Byron Lee and Dr. Zian Tseng to present their independent study in regards to tasers.

Comments and questions by Commissioners Mazzucco, Pan, Lee, DeJesus, Hammer, and Marshall.

Commissioner DeJesus introduced Mr. John C. Burton, Plaintiffs Trial Lawyer, who talked about different incidents involving tasers and recommended that tasers should not be implemented at this time and that it should await actions by POST.

Comments and questions by Commissioners Mazzucco, DeJesus, Pan and Marshall.

Commissioner DeJesus introduced Mr. Aram James, retired Public Defender Santa Clara County, who talked about the use of tasers in different situations.

Questions and comments by Commissioners DeJesus, and Mazzucco.

Ms. Barbara Attard, NACOLE, talked about taser use and stated that if tasers are implement in San Francisco, it is important that proper guidelines are established, the number of tases and the duration of the tases, the circumstances when tasers should not be used. Tasers should not be used in verbal or passive resistors. The reporting should be documented in use of force reports. There should be an independent oversight of taser use by the Office of Citizen Complaints. There should be regular reporting on taser use to the Commission. She stated that it is important that there be full accountability and transparency in taser use.

Comments and questions by Commissioners Hammer and Pan.

Ms. Kelly Evans, Associate Director ACLU Northern California, recommended that the Commission rejects the motion that is before them tonight and explained the reason for the recommendation.

Questions and comments by Commissioners Hammer, DeJesus, Marshall, and Mazzucco.

The Commission recessed from 9:21 p.m. to 9:29 p.m.

PUBLIC COMMENT

Maxine Duggan, Erotic Service Union, discussed concerns regarding violence against prostitutes and concerns about not getting her phone calls returned.

Denise Story discussed concerns regarding gang activities against LGBT and cops that work with gangs.

Rhonda Mertz commended the police and stated that tasers will be welcomed in San Francisco.

Ernest Tachihara, Patrol Special Officer, discussed an incident that happened last week where he almost shot an individual and stated that tasers is a possible option and should be considered.

Frank Martin Del Campo, SEIU, discussed concerns about having an effective commission.

Jeanette Berger expressed support for tasers.

Steve Currier, Outer Mission Merchants Residents Association, expressed support for the taser program and expressed concern regarding testimony of Mr. Burton.

Don Tudell, West of Twin Peaks Council, interested in hearing more about tasers and asked the department for more information.

Tony Sioni discussed experience of being tazed by Palo Alto P.D.

Emile Lawrence discussed concerns regarding tasers.

Dennis Cunningham, Attorney at Law, discussed concerns regarding use of tasers and holding officers accountable for wrongful use of force.

John McArdle expressed support for tasers.

David Waggoner, Attorney Alameda Homeless Center, LGBT Harvey Milk Democratic Club, discussed concerns that there are no government entity regulating this weapon and urged the Commission to vote no on moving forward at this time.

Mark Peterson Perez discussed concerns regarding tasers and stated that at this point in time, there is not enough date to consider the implementation of tasers.

Gary Delagnes, POA President, discussed concerns regarding testimony presented regarding tasers and asked the Commission to do the right thing and asked the Commission to support the Chief of Police.

Lea Militello, President SF Pride Alliance, expressed support for tasers and asked the Commission to allow the Department to explore the use of tasers in San Francisco.

Nick Pascurello asked that community hearings be held in regards to tasers.

Comments by Commissioners Mazzucco, DeJesus, Lee, Pan, Hammer, Onek and Marshall.

Comments by Chief Gascón stating that he is looking for 90 days to go out and meet with stakeholders, come back to the Commission with a piece that will then be open for further discussions and that this will probably take 18 months to roll out.

Comments by Commissioners DeJesus, Mazzucco, and Hammer.

Motion by Commissioner Marshall, second by Commissioner Onek to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of conducted energy devices (CED)("Tasers"), and to develop policies, practices, training, and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to the final approval of the Police Commission.

AYES: Commissioners Marshall, Mazzucco, Onek
NAYS: Commissioners DeJesus, Lee, Hammer, Pan

RESOLUTION NO. 22-10

DENIAL OF MOTION AUTHORIZING THE CHIEF OF POLICE TO DEVELOP MODIFICATIONS OF DEPARTMENT GENERAL ORDERS 5.01, "USE OF FORCE" AND DEPARTMENT GENERAL ORDER 10.02, "EQUIPMENT," TO INCLUDE THE USE OF CONDUCTED ENERGY DEVICES (CED)("TASER"), AND TO DEVELOP POLICIES, PRACTICES, TRAINING AND IMPLEMENTATION PROGRAMS CONSISTENT WITH PROFESSIONAL BEST PRACTICES AND CONTEMPORARY TECHNOLOGY, RELYING UPON

RECOMMENDATIONS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF COMMUNITY ORIENTED POLICING SERVICES AND THE POLICE EXECUTIVE RESEARCH FORUM, SUBJECT TO THE FINAL APPROVAL OF THE POLICE COMMISSION

RESOLVED, that the motion to authorize the Chief of Police to develop modifications of Department General Orders 5.01, "Use of Force," and Department General Order 10.02, "Equipment," to include the use of conducted energy devices (CED)("Taser"), and to develop policies, practices, training and implementation programs consistent with professional best practices and contemporary technology, relying upon recommendations from the Department of Justice's Office of Community Oriented Policing Services and the Police Executive Research Forum, subject to final approval of the Police Commission, has been denied.

AYES: Commissioners Marshall, Mazzucco, Onek
NAYS: Commissioners DeJesus, Lee, Hammer, Pan

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED POLICE COMMISSION PROCEDURAL RULES GOVERNING TRIAL OF DISCIPLINARY CASES

Put over.

PUBLIC COMMENT

None

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members
b. OCC Director's Report
- Review of recent activities
c. Commission Reports
- Commission President's Report
- Commissioners' Reports

None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement
b. Scheduling of items identified for consideration at future Commission Meetings

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned at 11:42 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of the Consent Calendar** (ACTION ITEM)
   - Approval of amendment to modify the Document Protocol Appendix to Include SFPD's Daily Equipment Sign-In & Out Form as a Routine Request
   - Request of the Chief of Police to accept donation of $1,000.00 from the television series "Trauma" for use of the SFPD's Mounted Unit

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

03-11-10A11:20 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status report:
        - Commission Priority List
        - Status report from former Patrol Special Officer Hanley Chan regarding the sale of Beat 72

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4. Discussion on proposed "Sit and Lie" Ordinance amending the San Francisco Police Code (DISCUSSION ONLY)

5. Discussion and possible action to take off calendar indefinitely the disciplinary charges filed in Case No. JWA C10-050. Member involved retired from the Department, effective February 11, 2010. Said disciplinary charges will be placed back on calendar should said member be within the jurisdiction of the Police Commission in the future (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of Disciplinary Charges filed in Case Nos. IVF C10-058, IVF C10-059, IVF C10-00, and IVF C10-061 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. **Closed Session**

   a. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1):
   CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
   Harmston, Parry, Evanson and Lewis v. CCSF, San Francisco Superior Court Case No. 06-454955 (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: JWA C09-128 (DISCUSSION ONLY)

(OPEN SESSION) Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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MARCH 10, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:36 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Hammer, Onek, Pan
ABSENT: Commissioner Lee
(Commissioner DeJesus was excused at 7:50 p.m.)

APPROVAL OF CONSENT CALENDAR

- **Approval of amendment to modify the Document Protocol Appendix to include SFPD's Daily Equipment Sign-in & Out Form as a Routine Request**
- **Request of the Chief of Police to accept donation of $1,000.00 from the television series "Trauma" for use of the SFPD's Mounted Unit**

Motion by Commissioner Onek, second by Commissioner Mazzucco to approve Consent Calendar. Approved 6-0

RESOLUTION NO. 23-10

APPROVAL OF AMENDMENT MODIFYING THE DOCUMENT PROTOCOL APPENDIX TO INDCLUDE SFPD'S DAILY EQUIPMENT SIGN-IN & OUT FORM AS A ROUTINE REQUEST

WHEREAS, on July 17, 2003 the Police Commission adopted Resolution No. 44-03, commonly known as the OCC-SFPD Document Protocol, to facilitate document requests in OCC investigations. The protocol requires SFPD to provide routine documents to the OCC within three business days from the receipt of the request; and

WHEREAS, Appendix A of Resolution No. 44-03 delineates 71 documents as "routine" documents; and

WHEREAS, the SFPD and the OCC agree that SFPD's Daily Equipment Sign-Out and Sign-In Sheet should be delineated as a routine document for the purposes of the OCC-SFPD Document Protocol; and

WHEREAS, Chief of Police George Gascón and Director Joyce Hicks have signed an agreement to modify Appendix A of the OCC-SFPD Document Protocol to include the SFPD's Equipment Sign-Out and Sign-In Sheet (SFPD Form 474) as a routine document; therefore be it,

RESOLVED, that the Police Commission hereby approves the amendment modifying the Document Protocol Appendix to include SFPD's Daily Equipment Sign-Out and Sign-In Sheet (SFPD Form 474) as a routine document.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Onek Pan, Hammer
ABSENT: Commissioner Lee

RESOLUTION NO. 24-10

APPROVAL OF THE REQUEST OF THE CHIEF OF POLICE TO ACCEPT DONATION OF $1,000.00 FROM THE TELEVISION SERIES "TRAUMA" FOR USE OF THE SFPD'S MOUNTED UNIT

RESOLVED, that the Police Commission hereby approves the request of the Chief of Police to accept donation of $1,000.00 from the television series "Trauma" for use of the SFPD's Mounted Unit.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Onek, Pan, Hammer
ABSENT: Commissioner Lee

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PUBLIC COMMENT

Francisco Dicosta discussed concerns regarding actions of a former SFPD sergeant working for Lennar Corporation.

Daniel Landry discussed concerns regarding actions of a former police officer working for Lennar Corporation.

Unidentified discussed concerns regarding Tasers.

Unidentified discussed concerns regarding the attendance of an individual with a gun at a Bayview Public Meeting.

Marie Harrison discussed concerns regarding the attendance of an individual with a gun at a Bayvew Public Meeting.

Unidentified discussed concerns regarding Tasers.

Emile Lawrence discussed saddles for the Mounted Unit.

Jason Tully, Pacifica resident, discussed concerns for being falsely arrested for being drunk at a rally.

Ace Washington discussed concerns regarding Lennar Corporation.

Raj discussed concerns regarding no investigation.

Ronnie Mertz discussed concerns regarding tasers and mental health.

Jonathan Rogers discussed concerns regarding use of tasers and sit and lie ordinance.

DISCUSSION ON PROPOSED "SIT AND LIE" ORDINANCE AMENDING THE SAN FRANCISCO POLICE CODE

Taken out of order.

Assistant Chief Cashman, Operations, presented the report regarding the proposed Sit and Lie Legislation amending the San Francisco Police Code.

Questions and comments by Commissioners DeJesus, Pan, Mazzucco, Hammer

Commander Dudley and Captain Barrett answered questions by the Commissioners.

Mr. Alan Schlosser, ACLU, addressed the Commission and presented a different perspective on the issue of the Sit and Lie Ordinance.

Questions and comments by Commissioners Mazzucco and DeJesus.

Ms. Laura Hurtado, Lawyers Committee for Civil Rights, addressed the Commission in regards to impact of a Sit and Lie Ordinance to the homeless and immigrants and how it can target and discriminate against different communities in the city.

Questions and comments by Commissioners DeJesus, Marshall, and Pan.

(Commissioner DeJesus departs at7:50 p.m.)

PUBLIC COMMENT

Unidentified discussed concerns regarding sit and lie law and stated that it is unethical and unconstitutional.

Linda Chapman, Polk Gulch, discussed concerns for business owners who cannot leave and go to court to testify.

David Wagner, Harvey Milk Democratic Club, stated that this law is very vague and agreed with comments by Mr. Schlosser and Ms. Hurtado.

Michael McAllister, Haight resident, stated that he doesn't know if this law is the right course of action but it is a problem in the Haight and stated that giving the police some discretion is a good idea.

Jason Tully, prophet sent by Jesus Christ, discussed concerns.

Kevin Carroll, Fisherman's Wharf District, discussed concerns regarding businesses feeling threatened.

Aladi Baez, security guard Fisherman's Wharf, expressed support for the legislation and asked for prosecution by the office of the District Attorney.

Denise Douherty, Harvey Milk Club, Axis of Love, opposed ordinance and asked for more foot patrol officers and safety cameras.

Melvin Crump discussed concerns regarding the ordinance.

Ingrid, through an interpreter, opposed ordinance.

Corina Fomidi discussed concerns regarding how this ordinance will affect certain individuals.

Bruce Allison discussed concerns and reasonable accommodations.

Mike Paschi, law student, discussed being an advocate for the homeless.

Joey Cain, President Haight Ashbury Neighborhood Council, stated that Captain Barrett did not speak to his group and that concerns brought up were from a vocal minority group and invited the Commission to visit the Haight.

John Sugar, Haight resident, stated unconstitutional to arrest people for sitting down.

David Smith, public school teacher and Haight resident, hopes the Department changes its direction when it comes to the sit and lie ordinance.

Richard Ivanhoe, upper Haight resident, stated that he feels safe walking around the neighborhood.

Jennifer, executive director Coalition on Homelessness, stated that criminalizing the homeless does not resolve homelessness and asked that the Commission oppose this ordinance and instead come up with some solutions.

Sara, Polk Gulch, discussed concerns regarding sit and lie.

Unidentified discussed concerns and stated that foot patrols are the only solution.

Arthur Evans, Haight & Ashbury resident, stated that people causing problems in the Haight are not San Franciscans but a group of thugs who look for drugs and alcohol.

Andy Blue, SF resident, talked about the absurdity of the sit and lie law and stated that sidewalks are for people.

Colleen Rebecca, Homeless Youth Alliance, opposed sit and lie and stated that this law will affect homeless people.

Susan Scroles, upper Haight resident, stated that these people are territorial and stated that the officers need this additional tool.

Bob, Ingleside resident, supports the sit and lie law.

Unidentified stated that the sit and lie law is not worth it.

Unidentified stated that sit and lie violates the constitution.

Commissioner Marshall asked about cities that have a sit and lie ordinance. Chief Gascón explained about Seattle and stated that it has worked and is constitutional and this is the model that San Francisco is looking at. Chief Gascón explained that there are a group of people who colonizes and are impacting businesses because of the aggressive behaviors that visitors are encountering. The Chief also stated that this is not controlled by the Police Department and that it is up to the Mayor and the Board of Supervisors by initiative and that people are going to have to vote if they want to pass it or not.

REPORTS TO THE COMMISSION

a. Chief's Report

- Update on significant policing efforts by Department members

Chief Gascón reported on recent activities in the Department and introduced Chief Tabak who reported on the recent investigation regarding the controlled substance unit of the Crime Lab connected to one criminalist. Chief Tabak talked about an external audit that will be conducted that will probably conclude by the end of this month.

Comments and questions by Commissioners Mazzucco, who also asked questions left by Commissioner DeJesus, Onek, Hammer, Pan, and Marshall.

Commissioner Hammer asked the Department to come up with a dollar figure as to what it would take to bring the DNA lab up to date.

Chief Gascón stated that he will have a figure in two weeks and a report in regards to DNA backlog.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that the OCC has opened, year to date, 176 complaints and closed 146. Of the 146 cases closed, 12 or 8 percent were sustained. Director Hicks also reported that the OCC has 411 pending cases and stated that the backlog is growing due to one investigator retiring and one investigator is on family leave. Director Hicks also stated that Ms. Salazar is back after a seven-week hiatus and stated that the OCC mediated one case year to date. Director Hicks also thanked the POA for their kindness to Ms. Salazar during her recovery.

Comments by Commissioner Onek in regards to the mediation program.

c. Commission Reports
- Commission President's Report
- Commissioners' Report
Status Report
- Commission Priority List
- Status report form former Patrol Special Officer Hanley Chan regarding the sale of Beat 72

Commissioner Marshall asked the Commissioners to give him some ideas as to how to prioritize the list. Commissioner Mazzucco requested that the Disciplinary Rules and Procedures be number one on the list.

Lieutenant Reilly announced that the Department is trying to contact PSO Hanley Chan for his update.

Commissioner Onek expressed concern in regards to PSO Chan not responding and asked if the agreement can be taken back. Commissioner Onek stated that for PSO Chan to be unresponsive is unacceptable.

Commissioner Mazzucco asked that PSO Chan and/or his counsel be contacted and order them to be present and if they do not appear, they will be forfeiting the beat.

PUBLIC COMMENT
None

DISCUSSION AND POSSIBLE ACTION TO TAKE OFF CALENDAR INDEFINITELY THE DISCIPLINARY CHARGES FILE DIN CASE NO. JWA C10-050. MEMBER INVOLVED RETIRED FRM THE DEPARTMENT, EFFECTIVE FEBRUARY 11, 2010. SAID DISCIPLINARY CHARGES WILL BE PLACED BACK ON CALENDAR SHOULD SAID MEMBER BE WITHIN THE JURISDICTION OF THE POLICE COMMISSION IN THE FUTURE
(Resolution No. 25-10)

Motion by Commissioner Hammer, second by Commissioner Pan. Approved 6-0.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcement**

- **Assignment of Disciplinary Charges filed in Case Nos. IVF C10-058, IVF C10-059, IVF C10-60, and IVF C10-061 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution Nos. 26-10, 27-10, 28-10, & 29-10, Assigned to Commissioner Yvonne Lee)

b. **Scheduling of items identified for consideration at future Commission meetings**

Lieutenant Reilly announced that the Commission will be meeting at the Grace Lutheran Church, 465 Woolsey, San Francisco, at 6 p.m., on Wednesday, March 31st.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 5-0.

CLOSED SESSION (9:29 p.m. to 9:38 p.m.)

a. **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation Harmston, Parry, Evanson, and Lewis v. CCSF, San Francisco Superior Court Case No. 06-454955**

(PRESENT: Commissioners Marshall, Mazzucco, Hammer, Onek, Pan, Chief Gascón, Lt. Reilly,)

b. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: JWA C09-128**

Item continued.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Pan for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Onek, second by Commissioner Pan. Approved 5-0.

Thereafter, the meeting was adjourned at 9:37 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of January 6, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

03-16-10A10:44 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 2009 Annual Report
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status report:
        - Commission's Priority List
        - Status report from former Patrol Special Officer Hanley Chan regarding the sale of Beat 72

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4. Request of the Chief of Police for approval to retroactively accept and expend a grant in the amount of $1,000,000.00 from the U.S. Department of Justice Office of Community Oriented Policing Services for expansion of a gunshot location system project (ACTION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of an Appeal of the Chief's Suspension filed in Case Nos. ALW D09-158 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

8. **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: JWA C09-128 (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. ALW C08-074 to the Chief's Level for disposition

c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. KMO D08-13 & JWF C08-014 pursuant to Government Code Section 3304(d) (ACTION ITEM)
The following time limits will apply:
Charged Officer's Opening Argument: up to 10 minutes
OCC's Opposition including witness cross examination: up to 10 minutes
Charged Officer's Rebuttal: up to 5 minutes

d. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion for Dismissal of Disciplinary Charges filed in Case Nos. IVF C10-013 & IVF C10-014 pursuant to Government Code Section 3304(d) (ACTION ITEM)
The following time limits will apply:
Charged Officer's Opening Argument: up to 10 minutes
OCC's Opposition including witness cross examination: up to 10 minutes
Charged Officer's Rebuttal: up to 5 minutes

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Bayview District, at the Grace Lutheran Church, 465 Woolsey Street, San Francisco, at 6:00 p.m., on Wednesday, March 31, 2010, to hear comments from the public and Bayview Station Captain Gregory Suhr concerning public protections issues in the Bayview District

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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YVONNE Y. LEE
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DAVID CNIK
Commissioner

VINCENT FAN
Commissioner

JAMES FAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, March 24, 2010.**
Please join the Commission at its next meeting on

Wednesday, March 31, 2010
at 6:00 p.m.
in the
Bayview District
Grace Lutheran Church
465 Woolsey Street
San Francisco

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MARCH 31, 2010
6:00 p.m.

Bayview District
Grace Lutheran Church
465 Woolsey Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

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2. Captain Gregory Suhr, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. SM C10-081 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed in Case No. SM C10-082 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at the Grace Lutheran Church, 465 Woolsey Street, San Francisco. For information about MUNI service, please call 311.

Accessible parking are available.

Accessible seating for persons with disabilities and wheelchairs will be available.

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA (AMENDED)
SPECIAL MEETING
WEDNESDAY, MARCH 31, 2010

Bayview District
Grace Lutheran Church
465 Woolsey Street
San Francisco

5:00 p.m. CLOSED SESSION
6:00 p.m. OPEN SESSION (Public Meeting)

(CLOSED SESSION) 5:00 p.m.

1. Public Comment on all matters pertaining to Closed Session.

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section (67.10)(d) (ACTION ITEM)

03-29-10 A08:00 RCVD

3. Closed Session
   a. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

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(OPEN SESSION) 6:00 p.m.

Pledge of Allegiance; Roll Call

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

6. Captain Gregory Suhr, Commanding Officer of Bayview Station, to address the Commission on Police Activities in the Bayview District (DISCUSSION ONLY)

7. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA (AMENDED)
SPECIAL MEETING
WEDNESDAY, MARCH 31, 2010

Bayview District
Grace Lutheran Church
465 Woolsey Street
San Francisco

5:00 p.m. CLOSED SESSION
6:00 p.m. OPEN SESSION (Public Meeting)

8. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
      - Assignment of Disciplinary Charges filed in Case No. SM C10-081 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of Disciplinary Charges filed in Case No. SM C10-082 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

9. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

MARCH 31, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Bayview District, Grace Lutheran Church, 465 Woolsey Street, San Francisco in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

PUBLIC COMMENT ON ALL MATERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan. Approved 7-0.

CLOSED SESSION (5:35 p.m. to 5:39 p.m.)

a. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation
City as Defendant: Number of Potential Cases: One
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Lee, Hammer, Onek, Pan, Lt. Reilly, City Attorney L. Ross)

OPEN SESSION

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves.

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Pan for non disclosure. Approved 7-0.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Chief Gascón brief the Commission and stated that he was invited as a keynote speaker at USC Law School Latino Students Association for their annual Lawyers and Judges Night and stated that what he found interesting is the process that they have called the Teen Court and stated that he will try and implement the same process in San Francisco. The Chief then went on to report crime numbers for the Department.

b. OCC Director's Report
- Review of Recent Activities

Director Joyce Hicks addressed the Commission and the audience and described the duties and responsibilities of the Office of Citizen Complaints.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

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Commissioner Marshall read part of a letter received from an Australian tourist.

PUBLIC COMMENT

Francisco Dacosta discussed concerns regarding an incident involving juveniles and an elderly gentleman.

Daniel Landry suggested reports to the public in regards to the PERF recommendations and its implementation.

Ameling Lee, Bayview resident, discussed concerns regarding Asian/Chinese being targeted and about not feeling secure.

CAPTAIN GREGORY SUHR, COMMANDING OFFICER OF BAYVIEW STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE BAYVIEW DISTRICT

Captain Suhr addressed the Commission and the community on police activities in the Bayview District, and described the demographics of the district.

PUBLIC COMMENT

Marlene Tran, Visitacion Valley Asian Alliance, discussed concerns regarding the senseless beating of an 83-year old elderly man by juveniles.

Ace Washington, Western Addition, discussed need for community policing.

Unidentified discussed concerns regarding an incident involving a former police officer showing up at a meeting with a gun and the investigation being held in the Ingleside and not the Bayview.

Unidentified, Portola District, discussed concerns about drug trafficking in their community and what can be done for the youths in the community.

Edward Hom discussed concerns regarding 83-year old elderly man attacked by juveniles and asked why Asians are being targeted.

Alison Chan, Portola resident, discussed crimes around the San Bruno corridor.

Lynette Sweet, Portola resident, discussed concerns regarding the incidents and stated that it is not isolated in the Asian community and that it happens in the African American community also and hopes that everyone can just get along.

Daniel Landry discussed concerns regarding former officer attending the meeting with a gun.

Neesie Joshua asked that the Commission should have these meetings once a month in every district and expressed her sadness to the Asian community regarding the incident and further discussed incident of former officer attending a meeting with a gun.

Francisco Dacosta stated that everybody should represent what is good.

Howard Woo, Bayview resident, commended the Chief and Captain Suhr for a job well done. He also commended the beat officers at San Bruno Avenue. Also asked for more passing cars by the schools and asked the Chief to talk to Captain Brown, Central, to not ticket jaywalkers at Chinatown.

Unidentified discussed concerns regarding a former officer attending a community meeting with a gun and asked for justice.

Carol Harvey, journalist, Marina resident, discussed concerns regarding the meeting with a former officer carrying a gun and asked for a thorough investigation of the incident.

Malia Cohen stated that we need to move beyond just listening and asked that action has to be taken.

Steven Kish discussed concerns regarding drug problems and prostitution in the area and stated that there is a problem in calling the non emergency number and stated that there is confusion as to which district they belong to. Captain Suhr assured him that they belong in the Bayview District.

Helen Yee, Visitation Valley, (through interpreter) discussed concerns regarding deaths of Chinese-American victims and asked why Chinese seniors are

being targeted and asked that the community work together to make the community safe.

Unidentified discussed concerns regarding his father who was assaulted by African-Americans and asked why perpetrators are not in custody.

Blanca Dominguez, Portola resident, discussed concerns regarding drugs and prostitution in the neighborhood and asked for more patrols.

Unidentified discussed concerns regarding drugs in the neighborhood.

Lieutenant Joe McFadden announced that there is an anonymous tip line available and asked that as much information be reported so that the Department can properly respond to the concern.

Unidentified, asked that he not be videotaped because of fear of retaliation and express fear of going to other parts of the city. Commissioner Marshall stated that if he wants to go to a public meeting, he will personally take him to the meeting.

Unidentified discussed concerns regarding incident on the T line and asked why the incident was not publicized.

Supervisor Sophie Maxwell stated that fear is not the answer and stated that the community needs to get together and fight back to get their community back and thanked the community for coming.

Commissioner Hammer asked if the Department has any updates in regards to the T Line incident and the incident in regards to the man with a gun at a community meeting.

Captain Suhr stated that leads are being followed and that the investigation is ongoing in regards to the Muni incident. Captain Suhr explained, in regards to the incident at the mosque, the gentleman was taken into custody by the Bayview officers and the police report forwarded to the District Attorney's Office for review and investigation. He stated that he will have a meeting at the station tomorrow in regards to the mosque incident.

Commissioner Pan thanked the Captain for his presentation and discussed what can be done to make information available to the public and also discussed incidents on Muni. Commissioner Pan also stated that the Department should come up with some solutions specific to the inter-racial violence. Captain Suhr stated that he does have an advisory group that is exclusively Chinese.

Ms. Marlene Tran stated that the Police website is only in English and should be translated to other languages. She also asked why Muni officers are not present.

Commissioner Lee addressed the audience and stated that it takes the whole community to make the system work. Commissioner Lee stated that the Police cannot solve all the problems, it takes the community to pull together and one community cannot be blamed.

Commissioner Onek thanked the audience for coming out.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

- **Assignment of Disciplinary Charges filed in Case No. SM C10-081 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 10-37, Assigned to Commissioner Thomas Mazzucco)
- **Assignment of Disciplinary Charges filed in Case No. SM C10-082 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution No. 10-38, Assigned to Commissioner Thomas Mazzucco)

b. Items identified for consideration at future Commission Meetings

None

ADJOURNMENT

Commissioner Lee asked that the meeting be adjourned in honor of Assistant Chief James Lynch on his retirement.

Motion by Commissioner Lee, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. CY MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 7, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of the following pending Appeal of the Chief's Suspension: JWA D03-199 (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7 (ACTION ITEM)
   PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charged filed in Case No. JWA C01-032 to the Chief's Level for disposition
   c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (ACTION ITEM)
   CONFERENCE WITH LEGAL COUNSEL
   Noah Booher v. CCSF, et al., U.S District Court No. C08-1045
   d. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Approval of Consent Calendar (ACTION ITEM)
   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Noah Booher v. CCSF, et al., U.S District Court No. C08-1045

04-02-10P02:34 RCVD

10. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item. Public comment is limited to three minutes for individuals and five minutes for representatives of organizations.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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THOMAS MAZZUCCO
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 7, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of January 13th, 20th, 27th, and February 3, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        Status report:
        - Status report from former Patrol Special Officer Hanley Chan regarding Bill of Sale of Beat 72

04-02-10P03:41 RCVD

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of disciplinary charged filed in Case Nos. JWA C10-042 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 7, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7 **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Status and calendaring of the following pending Appeal of the Chief's Suspension: JWA D03-199 (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charged filed in Case No. JWA C01-032 to the Chief's Level for disposition

c. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (ACTION ITEM) CONFERENCE WITH LEGAL COUNSEL
Noah Booher v. CCSF, et al., U.S. District Court No. C08-1045

d. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

(OPEN SESSION) Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9 Approval of Consent Calendar (ACTION ITEM)

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
Noah Booher v. CCSF, et al., U.S. District Court No. C08-1045

10. **Adjournment** (ACTION ITEM)

... SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

APRIL 7, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:13 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, Lee, Hammer
ABSENT: Commissioners DeJesus, Onek, Pan

APPROVAL OF THE MINUTES

- **Regular Meeting of January 13th, 20th, 27th, and February 3, 2010**

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 4-0.

PUBLIC COMMENT

Unidentified discussed concerns regarding the crime lab incident.

REPORTS TO THE COMMISSION

a. Chief's Report
- **Update on significant policing efforts by Department members**

Chief Gascón introduced the Chief of County Probation Department Wendy Stills who addressed the Commission and introduced herself. Chief Stills talked about some of the goals of her department.

Chief Gascón updated the Commission regarding a shooting incident at 83 Arleta Avenue. The case is being investigated by the Gang Task Force. The Chief went on to talk about year-to-date crime stats: 16 percent down when compared to last year's in part one crimes; 11,246 crimes last year vs. 9,430 this year; property crime – down 21 percent; violent crimes – up from 1,973 to 2,103 which represents about a 7 percent increase.

Commissioner Hammer asked about the recent investigation in regards to the drug lab. Chief Gascón stated that the investigation is ongoing and is hoping to complete the criminal investigation by the middle of May. Assistant Chief Godown updated the Commission in regards to retesting of 25 percent of Madden's cases and a sample of 25 percent of the other three analysts' cases and is hoping to have the results back within the next two weeks.

b. OCC Directors' Report
- **Review of recent activities**

Ms. Inez Fraenkel, for Director Hicks, updated the Commission on complaints received and mediation. Ms. Fraenkel stated the OCC opened 239 cases and closed 223 cases; sustained 16 cases with 3 resulted in Commission level charges. The OCC mediated 5 cases to date.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Report**

Status Report:
- **Status report from former Patrol Special Officer Hanley Chan regarding Bill of Sale of Beat 72**

Commissioner Mazzucco reported that he received an email from Hanley Chan stating that he is still in negotiations in regards to the sale of Beat 72. Commissioner Mazzucco ask that this item be calendared in two weeks and that if he has not ironed out the problem by then, he should be advised that the beat will be taken away.

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PUBLIC COMMENT

Raj Nicher discussed concerns regarding mind control weapons.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement

- Assignment of disciplinary charged filed in Case Nos. JWA C10-042 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner (Resolution 35-10, Assigned to Commissioner David Onek)

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Hammer asked that the Commission Disciplinary Rules be on the agenda in two weeks.

PUBLIC COMMENT

None

PUBLIC COMMENTS ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 4-0.

CLOSED SESSION (6:49 p.m. to 7:25 p.m.)

a. PERSONNEL EXCEPTION: Status and calendaring of the following pending Appeal of the Chief's Suspension: JWA D03-199
(Commissioners Marshall, Mazzucco, Lee, Hammer, Chief Gascón, Lt. Reilly, Deputy City Attorney Blits, Attorney J. Alden)

b. PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charged filed in Case NO. JWA C01-032 to the Chief's Level for disposition
(Commissioners Marshall, Mazzucco, Lee, Hammer, Chief Gascón, Lt. Reilly, Deputy City Attorney Blits, Attorney J. Alden)

c. CONFERENCE WITH LEGAL COUNSEL:
Noah Booher v. CCSF, et al., U.S. District Court No. C08-1045
(Commissioners Marshall, Mazzucco, Lee, Hammer, Chief Gascón, Lt. Reilly, Deputy City Attorney Ross)

d. CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation City as Defendant; Number of Potential Cases: One
(Commissioners Marshall, Mazzucco, Lee, Hammer, Chief Gascón, Lt. Reilly, Deputy City Attorney Ross)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Lee for non disclosure. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney: Noah Booher v. CCSF, et al., U.S. District Court No. C08-1045

Motion by Commissioner Mazzucco, second by Commissioner Lee. Approved 4-0.

RESOLUTION NO. 36-10

NOAH BOOHER v. CCSF, ET AL.

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Noah Booher v. CCSF, et al.," in U.S. District Court Case No. C08-1045, be, and the same is hereby approved.

Date of Incident: July 13, 2008

AYES: Commissioners Marshall, Mazzucco, Lee, Hammer
ABSENT: Commissioners DeJesus, Onek, Pan

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Marshall. Approved 4-0.

Thereafter, the meeting was adjourned at 7:27 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 14, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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PUBLIC LIBRARY

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of February 10, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the Department's 4th Quarter 2009 Document Protocol Report
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. Discussion regarding proposed modifications to Department General Order 3.01, "Written Communication System" (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of disciplinary charges filed in Case No. JWA C10-095 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 14, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b) and San Francisco Administrative Code Section 67.10(b): (DISCUSSION ONLY)
   PERSONNEL EXCEPTION: Employee Evaluation
   Director of the Office of Citizen Complaints
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of the following pending Appeal of the Chief's Suspension: JWA D03-199 (DISCUSSION ONLY)
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain the Chief's Action as filed in the Appeal of the Chief's Suspension in Case No. JWA C04-039 (ACTION ITEM)
   d. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation:
   City as Defendant; Number of Potential Cases: One

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases will be on the Commission's agenda for Wednesday, April 21, 2010, for discussion and possible action to adopt.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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(Chapter 67 of the San Francisco Administrative Code)

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APRIL 14, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek
ABSENT: Commissioner Pan
(Commissioner Lee arrived at 5:40 p.m. Commissioner DeJesus arrived at 5:44 p.m.)

APPROVAL OF THE MINUTES
- Regular Meeting of February 10, 2010

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

PUBLIC COMMENT

Emile Lawrence discussed concerns regarding the budget and public records request regarding the Mounted Unit.

Ace Washington, Western Addition, asked to revisit the issue of the African American Community Relations Board.

Valerie Butler, Western Addition, discussed concerns regarding alleged actions of the police.

Unidentified, District 6, talked about the Commission's Disciplinary Rules.

Raj Naicker discussed concerns regarding mind control weapons.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Update on significant policing efforts by Department members**
- **Presentation of the Department's 4th Quarter 2009 Document Protocol Report**

Assistant Chief Tabak stated that the Department has three reports this evening: (1) Sexual crimes/trends and patterns; (2) Reported that there was a shooting incident in the Bayview near a school and that an arrest has been made, and (3) The 4th Quarter Document Protocol Report.

Assistant Chief Godown reported on Part 1 crime statistics and stated that as of April 10, 2010, violent crime is up about three percent; property crime decreased by 19 percent; total part 1 crime is down 16 percent. Chief Godown stated that 80 percent of the part 1 crime is attributed to property crimes (auto theft & personal theft). Homicide is slightly up with 15 in 2010 versus 11 in 2009; rape 46 in 2010 versus 36 in 2009 Sexual Assaults Issues: 44 part 1 crimes of sexual assault in 2010 versus 33 in 2009.

Commissioner Mazzucco asked about outreach in regards to sexual assaults in colleges. Assistant Chief Godown stated that the Department has initiated discussions at USF, Academy of Arts, Sex Offender Management Alliance, Women Against Rape to talk about what the Department can do to suppress rapes.

Commissioner Lee talked about victims within the immigrant community and outreach to that community.

Commissioner DeJesus asked about discovery documents released in regards to the crime lab incident and stated that the Commission does not know what's been released and that the Commission should know. Commissioner DeJesus also asked if the DNA Lab is still open. Chief Godown stated that yes, it

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is still working and that the only portion of the lab that is closed down is the narcotics aspect of the lab.

Commissioner DeJesus also asked about dismissal of cases due to the crime lab incident and stated that she would like to know how many cases have been dismissed. Commissioner DeJesus stated that there should be an independent investigation of the lab. Chief Godown stated that he will be glad to address the Commissioner's concerns in closed session.

Commander Crenshaw updated the Commission in regards to the shooting incident in the Bayview.

Lieutenant Silverman, Legal, presented the 4th Quarter 2009 Document Protocol Report.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that the OCC opened 276 cases and closed 242; 415 pending with 194 from 2009, 241 from 2010, with 18 cases sustained year-to-date. Director Hicks also reported that the OCC mediated 6 cases year-to-date.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall reported that he was at the mosque in the Bayview and that the meeting went smoothly.

PUBLIC COMMENT
Emile Lawrence discussed concerns regarding crime stats.
Unidentified read an excerpt from the bible and discussed concerns regarding compstat and concerns regarding the crime lab.

DISCUSSION REGARDING PROPOSED MODIFICATIONS TO DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Lieutenant Silverman, Legal, presented DGO 3.01, "Written Communication System."

Commissioner DeJesus discussed Unit Orders and clarification as to who can change a unit order and add language "prior to enactment" on page 5(B).

Lieutenant Silverman asked for 30 days to prepare DGO 3.01.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcement
- **Assignment of disciplinary charges filed in Case No. JWA C10-095 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 39-10, Assigned to Commissioner Vincent Pan)
- **Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. ALW C10-094 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 40-10, Assigned to Commissioner Joe Marshall)

b. Scheduling of items identified for consideration at future Commission Meetings

Lieutenant Reilly announced that the Commission will meet in the Taraval District on April 28, 2010.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 5-0.

CLOSED SESSION (7:55 p.m. to 9:20 p.m.)

a. **PERSONNEL EXCEPTION: Employee Evaluation Director of the Office of Citizen Complaints**
(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Lieutenant Reilly, Director Hicks)

b. **PERSONNEL EXCEPTION: Status and calendaring of the following pending Appeal of the Chief's Suspension: JWA D03-199**
(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Lieutenant Reilly, Deputy City Attorney Blits, Attorney Worsham, member & representative)

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain the Chief's Action as filed in the Appeal of the Chief's Suspension in Case No. JWA C04-039** (Resolution No. 41-10)
(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Lieutenant Reilly, Deputy City Attorney Blits, Attorney Worsham, member & representative)

d. **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One**
(Present: Commissioners Marshall, Mazzucco, DeJesus, Lee, Onek, Lieutenant Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Lee for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 5-0.

Thereafter, the meeting was adjourned at 9:11 p.m.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

April 9, 2010

NOTICE OF HEARING

April 21, 2010
Regular Police Commission Meeting
Room 400, City Hall
5:30 p.m.

Please note that the Police Commission will consider the adoption of revisions to the

"Rules Governing Trials of Disciplinary Cases."

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Copies of the proposed rules are available from the Commission Office and will be available at http://sf-police.org/index.aspx?page=2572 as of April 5, 2010

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1659

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 21, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to adopt revised Police Commission Procedural Rules Governing Trial of Disciplinary Cases (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcement
      - Assignment of amended disciplinary charges filed in Case Nos. JWA C09-128 and JWA C10-046 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-003) (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Request of the Chief of Police to return disciplinary charges filed in Case No. JWA C01-032 to the Chief's Level for disposition

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 21, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Closed Session continued:

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law in support of Police Commission Denial of Motion to Dismiss filed in Disciplinary Case Nos. D08-013 and C08-014, heard March 17, 2010

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact granting Motion to Dismiss filed in Disciplinary Case Nos. IVF C10-013 and IVF C10-014, heard March 17, 2010

The following time limits will apply for Agenda Items 8.e and 8.f:
Charged Officer's Closing Argument: up to 10 minutes (may reserve time for rebuttal)
Department's Closing Argument:: up to 10 minutes

e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. ALW C09-186

f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case Nos. C06-217, C06-218, C06-219, and C06-220

g. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

(OPEN SESSION) Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** **SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667**

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Community Meeting in the Taraval District, at the A.P. Gianini Middle School, 3151 Ortega Street, San Francisco, at 6:00 p.m., on Wednesday, April 28, 2010, to hear comments from the public and Taraval Station Captain Denise Schmitt concerning public protections issues in the Taraval District

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, APRIL 28, 2010
6:00 p.m.

Taraval District
A.P. Giannini Middle School
3151 Ortega Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Update on significant policing efforts by Department members
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

2. Captain Denise Schmitt, Commanding Officer of Taraval Station, to address the Commission on Police Activities in the Taraval District (DISCUSSION ONLY)

3. **Public Comment**
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4. **Routine Administrative Business** (Discussion Only)
   a. Commission Announcements
   - Assignment of Disciplinary Charges filed in Case No. KMO C10-032 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Items identified for consideration at future Commission Meetings

5. **Adjournment** (ACTION ITEM)

...

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APRIL 28, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in the Taraval District, A.P. Giannini Middle School, 3151 Ortega Street, San Francisco, at 6:09 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Lee, Hammer, Onek, Pan

(Commissioner DeJesus arrived at 6:15 p.m., and Commissioner Lee arrived at7:15 p.m.)

Commissioner Marshall welcomed the audience and asked the Commissioners to introduce themselves.

REPORTS TO THE COMMISSION

a. Chief's Report
- Update on significant policing efforts by Department members

Assistant Chief Tabak announced that Chief Gascón will be arriving in about 15 minutes.

Chief Gascón announced that he had a meeting at City Hall today with the Chinese-American community. The Chief stated that it was a productive meeting and that concerns were discussed about crimes in the Visitation Valley and the Bayview area. The Chief also talked about having a stopping center for maybe two or three times a week, hours will be determined. There will be bilingual officers. This is so that people can come in and report crimes and/or get status reports of an existing investigation. There will also be 32 officers from different districts to work in the Ingleside/Bayview area. The Chief also stated that there is a commitment from the Board of Supervisors to get funding for greater access to language.

The Chief then reported on crime numbers year-to-date: 15 percent reduction year-to-date for Part 1 crimes, 12,196 in 2009 versus 11,045 for 2010; 18 percent down on property crimes; slight increase in homicides from 15 in 2009 versus 17 in 2010; rapes is 45 in 2009 versus 52 in 2010; robberies is 1053 is 2009 versus 987 in 2010.

b. OCC Director's Report
- Review of recent activities

Director Hicks described the duties and responsibilities of the Office of Citizen Complaints.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Marshall thanked Commissioner Pan for participating in discussion in regards to recent incidents with the Asian and African/American communities.

CAPTAIN DENISE SCHMITT, COMMANDING OFFICER OF TARAVAL STATION, TO ADDRESS THE COMMISSION ON POLICE ACTIVITIES IN THE TARAVAL DISTRICT

Captain Schmitt welcomed the Commission and the audience to the Taraval District. Captain Schmitt went on to describe the demographics of the Taraval District and the Taraval Station.

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PUBLIC COMMENT

Shana Govenor, Axis of Love, expressed concerns regarding attacks by the Supervisors and Captain Schmitt in regards to cannabis enforcement.

Greg Tedbetter, Medical Marijuana Offense Committee, discussed concerns regarding medical marijuana enforcement.

Lana Lee, member of Sunset community, stated that there is a need for open communication in regards to medical marijuana.

Theresa Cooper, health educator & cannabis patient, discussed concerns regarding access to medical cannabis.

Rev. Madeleine Webster, San Francisco Patient Advocate, stated there is a need to educate people as to medical cannabis.

Sonia Ng, Sunset resident, (through interpreter) discussed concerns regarding the opening of a medical marijuana dispensary and concerns for safety of children in the neighborhood.

Paul Fontana commended Chief Gascón and Captain Schmitt and went on to discuss recent Commission decision in regards to tasers and asked that the Commission reconsider.

Stuart Rhodes, chair of Cultivation Subcommittee of the SF Cannabis Working Group, expressed concerns regarding misunderstanding of medical cannabis.

Catherine Colbert, cancer survivor, stated that controlled substance needs to be dispensed in a safe and controlled manner for the safety of the neighborhood.

Commissioner Lee addressed the audience and apologized for being late. Commissioner Lee stated that she was with Mrs. Fang and her family. Mrs. Fang was the victim who was thrown off the metro bus stop platform.

Unidentified expressed concerns regarding medical cannabis enforcement by the Taraval District officers.

Russ Grossman, medical cannabis patient, expressed support for safe access in the Sunset District.

Oscar Easless, disabled veteran & cannabis patient, stated that there should be a choice for patient to have medical cannabis.

Wendy Wong opposed to have medical marijuana dispensary in the Taraval due to the close vicinity to Lincoln High School.

Catherine Smith, owner of a medical cannabis dispensary, would like to educate the public in regards to medical cannabis and the difference between compassionate growers and for-profit growers.

Gwen Liu discussed concerns for safety of children around the neighborhood.

Michelle Kwan discussed concerns for safety of the Taraval District.

Kim discussed concerns for safety of her daughter if there will be a medical marijuana dispensary in the Taraval.

Le Hong discussed concerns regarding how easy it is for kids to access marijuana.

Unidentified, 21st and Taraval resident, discussed concerns for safety of her child.

Max Del Rio, medical cannabis advocate, stated that medical marijuana has been legal and that the city has a right to provide safe access to people who chose alternative medicine and stated that this is a planning issue.

Mr. Jue stated that San Francisco has already 23 marijuana dispensaries and that the Sunset does not need another dispensary and discussed concerns for safety of teenagers in the neighborhood.

Ms. Chen discussed concerns for her children's safety and concerns about opening a dispensary in front of Lincoln High School and that it might serve as temptation for the kids.

Jeanette Berger expressed support for the police.

Larry McFarlan stated that dispensaries do not allow children to go inside or to be within 20 feet of the dispensary.

Mike expressed support for medical cannabis dispensary.

Ed Breslin asked that the department help educate in regards to safety and the increase and decrease of crime around medical marijuana dispensaries.

Gilbert, Native American, asked that everyone should get over all the lies and ignorance and educate ourselves.

Unidentified stated that children will not be around dispensaries and stated that dispensary in the Sunset is just for safe access.

Mary Harris, OMI, thanked Captain Schmitt and the Taraval officers for good work around the neighborhood and asked for a safety pamphlet be issued by the Department.

Art Tom, Sunset resident, stated the issue is what does the community wants.

Unidentified stated that dispensaries are for citizens who are in need of alternative medicine.

Unidentified expressed support for the Chinese-American community and stated that maybe it is wrong timing for this dispensary and that more education is needed.

Mr. Clark, Access of Love, stated that there is a mechanism of control in medical dispensaries.

Unidentified stated that there were over 100 Sunset residents who stood up and left but that is not due to disrespect but to protest medical marijuana dispensary in the Sunset.

Russell Kyle, Sunset & Richmond resident, discussed concerns.

Yvette Fernandez, cancer patient, stated that medical cannabis lessens the effects of pharmaceutical drugs.

Hector stated that, with proper rules and regulations, a medical cannabis dispensary in the Sunset will do fine.

Unidentified expressed support for police officers and expressed concern for safety of his wife and child and the concerns for someone who has been smoking marijuana and getting behind the wheel of a car.

Commissioner DeJesus asked about a letter written by Captain Schmitt opposing the dispensary in the Sunset and stated that maybe the Commission should hear this item again. Captain Schmitt explained what was presented in her presentation was the issue of illegal growers in the district and not the issue of medical dispensaries. She also explained that her letter to the Planning Department was "my way of saying that the issues we've seen in and around the dispensaries on Ocean Avenue, whether they're statistically based or based on the experience of going out and seeing these things in public and speaking to the residents and merchants out there, that's the reality of what I've seen as a police officer and those are the things that could come to pass should the Planning Department approve the same type of business on Taraval Avenue. Now, as far as politicking the issue, while I do get asked a lot about the proposed medical dispensary, I think even Mr. Hansberry would say, I have put their … they have held meetings, the Bay Area Compassionate Health, has held meetings at Taraval Station to invite the public in to talk to them about the proposed dispensary. Every meeting that I have gone to, I have told people they have open house on Wednesdays at their location, go in there and see what they have to say. I personally visited the site. I've seen the plans Greg has for security, and I've talked to him about what could potentially happen at a site like that on Taraval Street, what the risks are. I've had, I think, two captain's meetings at Taraval Station since this issue have come to light and they have been really well attended because there's a lot of passion in the community about this issue. And I've told everyone who'd come to those meetings, you need to explore whether or not you think what they're proposing as their business plan and whether you think just like any other business, that's a business you want in your community. The repercussions or consequences, either good or bad, that come to the district will be ours to deal with. Have I seen some negative impact in communities from having medical cannabis dispensaries, yes, I have. On Ocean Avenue and speaking to the merchants and residents in and around there and the police activity that we have around there, we have seen some negative consequences. Does that mean I know whether or not Mr. Hansberry and the coalition could put

together a business plan, no. I'm not a business person and that's why I tell the community educate yourself, come to your own conclusion, go to the Planning Department, and express your opinions."

Commissioner DeJesus stated that she would like to put this issue in front of the Commission and asked for statistics in regards to incidents mentioned in the Captain's letter in and around the Ocean Avenue dispensaries.

Chief Gascón explained that what Captain Schmitt was doing was that the Captain was asked for her opinion as to whether having another cannabis dispensary, much like what is done with ABC licenses, how it would impact the safety of the community and the Captain was reacting as to what her community would like the Department to do. The Chief stated that the Department will provide to the Commission the statistics requested so that the Commission can evaluate the level of crimes around dispensaries.

Commissioner Mazzucco stated that every District Captains have their First Amendment Right to express their opinions and stated that this is a neighborhood decision that live in the community and the Planning Department.

Commissioner Pan thanked Captain Schmitt and the members of the Taraval District for their presentation.

Commissioner Hammer thanked Captain Schmitt for her presentation.

Commissioner Lee thanked the Captain for her presentation and explained that the Chinese press have asked people to attend this meeting in regards to the propose medical marijuana dispensary.

Commissioner Marshall thanked the Captain for her presentation and for what she is doing in the district and thanked the community for attending and expressing their concerns.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of Disciplinary Charges filed in Case No. KMO C10-032 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Assigned to Commissioner Joe Marshall, Resolution 50-10)

b. Items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 7-0.

Thereafter, the meeting was adjourned at 8:57 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

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JAMES HAMMER
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 5, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

05-06-10P12:13 RCVD

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's First Quarter 2010 Report of Closed Session Disciplinary Actions
   - OCC's First Quarter 2010 Quarterly Reports

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Presentation of the First Quarter 2010 FDRB Findings & Recommendations
      - Presentation of the Officer-Involved Shooting Investigation Status Summary
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. Presentation of the Quarterly Report by the Department and the Office of Citizen Complaints regarding Police Proposals (Sparks Resolution) (DISCUSSION ONLY)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 5, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-004) (DISCUSSION ONLY)

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C01-032 (ACTION ITEM)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matter: RMW C08-166, RMW C08-167 (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MAY 5, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek

Commissioner Mazzucco explained why the Commission is down to four. He stated that Commissioner Marshall has been reappointed by the Mayor and is now going through the confirmation process. Commissioners Pan and Lee were termed out and will be missed by the Commission.

Commissioner Mazzucco asked the City Attorney for an opinion as to only having four commissioners and a vote of 4 to 1. Commissioner Mazzucco asked for a written opinion so that the Commission can proceed with items needed to go forward with including disciplinary matters. Deputy City Attorney Ross stated that her office will be happy to provide the Commission with an opinion and also stated that the general rule is that with a 7-member commission, it does take four (4) members to vote on something to have it be effective.

Commissioner Hammer asked about, for example, an appeal of the Chief's suspension and asked if three commissioners voted to grant the appeal and one commissioner voted not to grant the appeal, does it fail for not having four votes or is it as though the Commission didn't act and therefore have to hear it again. Deputy City Attorney Ross stated that she will get back to the Commission in regards to that question but stated that generally there is no action taken by the Commission unless there is four votes. Ms. Ross stated that that question needs to be answered and that she will get back to the Commission.

PUBLIC COMMENT

Christine Harris discussed concerns regarding electromagnetic stalking and harassment.

Emile Lawrence discussed ongoing budget crisis in the city of San Francisco.

Clyde discussed DNA lab.

CONSENT CALENDAR

- **Police Commission's First Quarter 2010 Report of Closed Session Disciplinary Actions**
- **OCC's First Quarter 2010 Quarterly Reports**

PUBLIC COMMENT

Emile Lawrence asked for statistics from the OCC.

Clyde stated that most of the statistics are on the website.

Received and filed.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Presentation of the First Quarter 2010 FDRB Findings & Recommendations**
- **Presentation of the Officer-Involved Shooting Investigation Status Summary**

Chief Gascón reported on crime stats: year-to-date overall crimes are down 14 percent as compared to last year, total of 1900 crimes less; violent crimes are even from 2009 which is 2,331; homicides are 17 in 2010 versus 15 from 2009; rapes are 54 for 2010 versus 50 in 2009; robberies are 1,111 in 2010 versus 1,054 in 2009.

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Assistant Chief Godown reported on the status of the lab and stated that the Department is continuing with the criminal and the administrative investigations and hopes to bring the criminal investigation to the Attorney General's Office by next week.

Commissioner Hammer asked how many sexual assaults DNA samples are waiting in the lab; what's the department's timeline as to have these outsource and results; and would like a policy presented to the Commission for approval as to the standard of care and what period of time DNA samples would be tested. Commissioner Hammer stated that there should be a clear standard that the Department can live up to going forward and asked for a report next week. Chief Gascón stated that he would be cautious as to having a policy of having the work done by a certain period of time because it could create false expectations.

Commissioner Hammer asked about the Brady Policy. Chief Gascón stated as of today, the Department does not know how many cases are being reviewed but files are being reviewed and at the same time the Department is meeting with the POA in regards to issues that have to be resolved. The Chief also stated that the District Attorney's Office has completed a written policy and the Department is anticipating completing its policy by the end of this week. The Chief stated that his goal is to have the first cut of a list by the latter part of next week.

Commissioner DeJesus asked why the Commission was not provided with a copy of the DOJ audit of the crime lab. Assistant Chief Godown stated that at that time the audit has not been vetted and that the Department has not discussed the results of the audit with DOJ. Chief Gascón stated that he had a discussion with Commissioner Mazzucco in regards to the audit. Commissioner DeJesus discussed concerns in regards to pitches and are they being complied with. Chief Gascón stated that he will have Police Legal do a presentation to the Commission.

Commissioner DeJesus also asked to have statistics that she asked for in regards to medical cannabis by next week. Commissioner DeJesus expressed concerns about the Chief's attitude. Deputy City Attorney Linda Ross advised the Commission that if they are going to talk about a topic in depth, that it should be agendized and that there is a time and a place for review of the Chief of Police and that there is a specific procedure for that. Commissioner DeJesus stated that she would like it on the agenda for next week.

Commissioner Mazzucco asked for clarification as to what will be agendized in regards to the cannabis presentation.

Commissioner DeJesus also would like the Chief's evaluation on the agenda next week. Commissioner DeJesus also asked that the question of having a complainant in regards to the enforcement of sit and lie be on the agenda next week.

Commissioner Hammer asked that the requests of Commissioner DeJesus be put forward on the 19th instead of next week due to the burden of the crime lab investigation and the Brady issue on the Department. Commissioner DeJesus stated that she will discuss it with Commissioner Mazzucco but she prefers it for next week.

Sergeant Mike Nevin, MCD, presented the First Quarter 2010 FDRB Findings and Recommendations and also presented the OIS Investigation Status Summary.

b. OCC DIRECTOR'S REPORT
- Review of recent activities

Director Hicks reported that the OCC has opened 332 cases to date and closed 338. There are 425 pending cases with 170 from 2009 and 255 from 2010;

sustained 23 cases to date as compared to 15 cases sustained in 2009. Mediations: The OCC mediated seven cases to date in 2010 as compared to 25 in 2009.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco reported that Friday, he, along with Commissioners DeJesus and Lee, attended the Academy Graduation of 37 recruit officers.

Commissioner Hammer suggested transparency measures in regards to discipline be agendized some time in the near future. Commissioner Mazzucco stated he will put that on the agenda sometime in June.

PUBLIC COMMENT
Emil Lawrence asked about LiveScan.
Clyde stated that information are on the website.

PRESENTATION OF THE QUARTERLY REPORT BY THE DEPARTMENT AND THE OFFICE OF CITIZEN COMPLAINTS REGARDING POLICE PROPOSALS (SPARKS RESOLUTION)

Ms. Samara Marion addressed the Commission in regards to the quarterly report regarding police proposals.

Lieutenant Rob O'Sullivan presented the quarterly report in regards to Police Proposals.

Commissioner Onek thanked Lt. O'Sullivan and Ms. Marion for their work.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS
a. Commissioner Announcement
b. Scheduling of items identified for consideration at future Commission Meetings

None

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (7:09 p.m. to 7:35 p.m.)

a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-004)
PRESENT: Commissioners Mazzucco, DeJesus, Onek, Hammer, Lt. Reilly, Deputy City Attorney Ross, Chief Gascón, Sgt. Nevin

b. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C01-032

PRESENT: Commissioners Mazzucco, DeJesus, Onek, Hammer, Lt. Reilly, Deputy City Attorney Ross, Chief Gascón

Item continued for a future date.

c. PERSONNEL EXCEPTION: Status and calendaring of the following pending matters: RMW C08-166, RMW C08-167

PRESENT: Commissioners Mazzucco, DeJesus, Onek, Hammer, Lt. Reilly, Deputy City Attorney Ross, Chief Gascón

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner Hammer. Approved 4-0.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 12, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

4. Public Comment on all matters pertaining to Closed Session

5. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

6. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C01-032 (ACTION ITEM)
   b. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
      CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation:
      City as Defendant; Number of Potential Cases: One

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 12, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT FAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 12, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5/12/10 revised

Roll Call; Pledge of Allegiance

1 **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2 **Reports to the Commission** (DISCUSSION ONLY)
a. Chief's Report
- Update on significant policing efforts by Department members
- Possible report regarding crime statistics in the vicinity of the Ocean Avenue Medical Cannabis Dispensary (Taraval District)

b. OCC Director's Report
- Review of recent activities

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

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3 **Routine Administrative Business** (DISCUSSION ONLY)
a. Commissioner Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

4 Public Comment on all matters pertaining to Closed Session

Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

5 **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. IWA C0[illegible]-032
(ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 12, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

b. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

MAY 12, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:43 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek

Commissioner Mazzucco announced the passing of Patrol Special Officer Jane Warner and announced that the meeting will be adjourned in her memory.

PUBLIC COMMENT

Tom McCloskey, Assistant Patrol Special, said a few words about Patrol Special Jane Warner.

Greg Kerry, Chair Castro Community Patrol, commended Patrol Special Warner.

Anne Grogan said a few words and commended Patrol Special Jane Warner.

Ernest, Patrol Special Officer, commended Patrol Special Jane Warner.

Ken Craig commended Patrol Special Jane Warner and talked about how she touched thousands of lives in the Castro District.

Marvin commended Patrol Special Jane Warner and extended his condolences to her family. He went on to talk about complaint filed with the OCC by Christine Harris.

Hanley Chan, former Patrol Special, commended Patrol Special Jane Warner and stated that he is almost done with his beat sale.

Steve Currier, Outer Mission, said a few words about Patrol Special Warner and continued on to talk about the performance of a Commissioner at last week's meeting and that he finds it disrespectful to the community, the Commission, and to the City of San Francisco.

Clyde stated that Patrol Special Warner will be missed and went on to thanked Chief Gascón for attending a meeting at the Bayview.

Barbara Growth discussed concerns about the budget.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**
- **Possible report regarding crime statistics in the vicinity of the Ocean Avenue Medical Cannabis Dispensary (Taraval District)**

Chief Gascón reported on crime stats and stated that we are down 14 percent in part one crime.

Commander Loftus presented the report regarding crime statistics in the vicinity of medical cannabis dispensaries.

Questions by Commissioner DeJesus followed.

Shauna, Director Axis of Love, spoke in regards to crime around the area of cannabis clubs.

Craig discussed protocol and security of his cannabis club.

Patrick Coggin, Attorney for Medical Cannabis Task Force, stated that crimes in and around dispensaries have gone down and that there is no evidence of connection of any crimes related to dispensaries.

Stuart Rose, Subcommittee on Cultivation, presented the cultivation subcommittee's safety guidelines.

Paul Hensberry discussed concerns regarding letter written by Captain Schmitt.

Commissioner Hammer commended Commander Loftus, Assistant Chief Tabak, and Chief Gascón for their work with the medical cannabis community.

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Commissioner DeJesus discussed concerns regarding communication problems with the Department and getting this item on the agenda and expressed concern in the way the Department dealt with her.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that the OCC year to date opened 350 cases and closed 303; 428 pending cases, 165 from 2009 and 263 from 2010; 25 cases sustained year to date versus 15 in 2009.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports

Commissioner Mazzucco thanked the individual commissioners and the Chief for having a town hall meeting at the Bayview and heard the concerns of the community.

Commissioner DeJesus stated that it was good to see the Chief at the meeting and that it was a good session and was glad that the Chief brought all the Captains to the meeting.

Commissioner Hammer commended the Chief and the Department for their work with language access.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS
a. Commissioner Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco stated that the Commission will calendar next week the DNA Backlog and asked about DGO regarding discharge of firearm at moving vehicles and also would like a status report in regards to the Patrol Special study.

Commissioner Hammer asked that crime lab criminal investigation and the Department's Brady Policy be calendared under the Chief's Report.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAININGTO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner Mazzucco. Approved 4-0.

CLOSED SESSION (6:53 p.m. to 8:05 p.m.)

a. PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition of disciplinary charges filed in Case No. JWA C01-032 (Resolution 51-10)

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Lt. Reilly, Deputy City Attorney Blits, member involved)

b. **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One**
(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Lt. Reilly, Deputy City Attorney Ross)

c. **PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters**
(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Lt. Reilly, Deputy City Attorney Blits)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Mazzucco for non disclosure. Approved 4-0.

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Mazzucco to adjourn the meeting in memory of Patrol Special Officer Jane Warner. Approved 4-0.

Thereafter, the meeting was adjourned at 8:10 p.m. in memory of Patrol Special Officer Jane Warner.

_____
Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 19, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meeting of February 17th, and 24, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

05-19-10 A11:10 RCVD

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Testing Backlog
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to adopt revised Department General Order 3.01, "Written Communication System" (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, MAY 19, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law in support of Police Commission Decision to sustain or not sustain Disciplinary Charges filed in Case Nos. ALW C07-076, ALW C09-004, ALW C09-208

   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (ACTION ITEM) CONFERENCE WITH LEGAL COUNSEL
   Jeffrey Bitton, et al. v. CCSF, U.S. District Court No. C08-5585

   c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL : Anticipated Litigation: City as Defendant; Number of Potential Cases: One

   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary matters (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. Approval of Consent Calendar (ACTION ITEM)

   a. Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
   Jeffrey Bitton, et al. v. CCSF, U.S. District Court No. C08-5585

11. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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MAY 19, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:39 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek

ADOPTION OF MINUTES

- **Regular Meeting of February 17th, and 24, 2010**

Commissioner Onek stated that February 24th be amended from meeting at the City Hall to District Meeting.

Motion by Commissioner Onek, second by Commissioner Hammer to approve minutes as amended. Approved 4-0.

PUBLIC COMMENT

Raj Naicher discussed concern regarding mind control weapons.
Scott discussed concern regarding the sit and lie issue and urged the Commission to take action to make sure that the police is abiding by the law.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Review of recent activities**
- **Status report regarding DNA Testing Backlog**

Chief Gascón reported the following crime numbers: Part 1 crime is down 13 percent; violent crime is up 13 percent for the 4-week period but overall crime is down 12 percent year-to-date for the 4-week cycle and 13 percent year-to-date for the year.

Assistant Chief Godown reported on the DNA Testing Backlog: Homicides: there are 23 homicide cases that date from 2010 to 2005 that the Department is looking at as far as backlog cases; sexual assault cases: there are 86 backlog cases as far as DNA testing; burglary: 187 cases; robbery: 13 cases; other crimes: 265 cases; total cases pending DNA testing: 374 cases.

Commissioner Hammer asked how old is the oldest untested sample as far as sexual assault. Chief Godown stated that 2005 is the date that he has and prior to 2005, the Department is hand-searching each case. Commissioner Hammer requested more stats by the first meeting in June.

Questions and comments by Commissioners Onek and Mazzucco.

Assistant Chief Godown went on to give a status report in regards to the criminal lab.

Commissioner DeJesus asked about submitting fingerprint data to Department of Justice.

Deputy City Attorney Linda Ross explained that the Chief's Report is for brief updates and not for extensive questions by the Commissioners.

Commissioner DeJesus stated that she will put this item on for next week's agenda and that she will propose a resolution in regards to secured community.

Assistant Chief Tabak gave a brief update in regards to the Brady Policy.

b. OCC's Director's Report

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- **Review of recent activities**

Director Hicks reported that the OCC opened 364 cases to date versus 344 in 2009; closed 321 year to date versus 376 in 2009; 424 pending cases, 160 from 2009 and 264 from 2010; 25 sustained year to date versus 16 sustained in 2009. As far as mediation, Director Hicks reported that the OCC medicated 13 cases year to date and in May, 6 cases were mediated. She also reported that in all eligible cases both the officers and complainant agreed to mediation.

c. Commission Reports
- **Commission President's Report**
- **Commissioners' Reports**

None

PUBLIC COMMENT

Kim, Local 21 represents criminalists in lab, discussed concerns that the lab is severely under staff and discussed the expense in outsourcing the testing.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Lt. Silverman, Legal, presented DGO 3.01.

Commissioner Hammer asked if the Commission itself can initiate a general order and asked if a sentence can be added stating that the Commission may also initiate a general order.

Ms. Samara Marion, OCC, approves of the DGO.

Commissioner DeJesus asked what happens when a unit order conflicts with a department general order. Lt. Silverman stated that per the DGO, a unit order cannot conflict with the DGO.

Motion by Commissioner Hammer to add the following language, "The Commission may also adopt a Department General Order on its own initiative after notice and public hearing."

Commissioner Mazzucco suggested this item be put over to next week to give the City Attorney more time to research.

PUBLIC COMMENT

Barbara Growth stated that the officers should have the right to make general orders.

Motion by Commissioner Mazzucco to put this over to June 2nd, second by Commissioner Hammer. Approved 4-0.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commissioner Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Lt. Reilly announced that there will be no meeting next week.

Commissioner Onek announced that he will be attending the Local, State, Federal Law Enforcement Executive Symposium in Monterey and will report back to the Commission at its next meeting.

Commissioner Mazzucco would like to have DGO regarding vehicle pursuits in the next three or four weeks and also the Patrol Special Study.

Commissioner Hammer would like the DNA backlog and the Brady issue on the calendar for updates. Commissioner Hammer would also like transparency measures to hold Commissioners accountable by June 2nd.

Commissioner DeJesus talked about her draft resolution in regards to supporting the Sheriff's Department in regards to secured communities and be placed on the agenda by June 2nd.

Commissioner DeJesus also asked about First Amendment Rights Audit per DGO 8.10. Director Hicks stated that the audit was done, however, the report was not presented and stated that the OCC will present it on the next available date. Commissioner DeJesus stated that the 2nd week of June is fine.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Hammer, second by Commissioner Onek. Approved 4-0.

CLOSED SESSION (6:36 p.m. to 7:29 p.m.)

a. **PERSONNEL EXCEPTION; Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law in support of Police Commission Decision to sustain or not sustain Disciplinary Charges filed in Case Nos. ALW C07-076, ALW C09-004, ALW C09-208**

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly)

Motion by Commissioner Mazzucco, second by Commissioner Onek to continue this item.

b. **CONFERENCE WITH LEGAL COUNSEL**
Jeffrey Bitton, et al., v. CCSF, U.S. District Court No. C08-5585

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Ross, Lt. Reilly)

c. **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One**

d. **PERSONNEL EXCEPTION; Status and calendaring of pending disciplinary matters**

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chief Gascón, Deputy City Attorney Blits, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE AN OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner DeJesus for non disclosure. Approved 4-0.

APPROVAL OF CONSENT CALENDAR

a. **Recommend that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney: Jeffrey Bitton, et al., v. CCSF, U.S. District Court No. C08-5585**

RESOLUTION NO. 52-10

JEFFREY BITTON, et al. v. CCSF

RESOLVED, that the recommendation of the City Attorney for settlement in the litigation of "Jeffrey Bitton, Sandra Bitton, Micha Bitton v. CCSF, et al.," in United States District Court, Northern District, Case No. C08-5585, be, and the same is hereby approved.

Date of Incident: October 13, 2008

AYES: Commissioners Mazzucco, DeJesus, Onek, Hammer

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Mazzucco. Approved 4-0.

Thereafter, the meeting was adjourned at 7:29 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

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5/26/10
Cancelled

The Police Commission will not meet on **Wednesday, May 26, 2010.**
Please join the Commission at its next meeting on

Wednesday, June 2, 2010
at 5:30 p.m.
City Hall, Room 400
San Francisco

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID OREK
Commissioner

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 2, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. Adoption of Minutes (ACTION ITEM)
   - Regular Meeting of March 3, 2010

2. Public Comment
   (Members of the public may address the Police Commission for a five period as determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. Reports to the Commission (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Backlog
      - Status report regarding development of Brady Policy
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of Annual Audit for the years 2008 & 2009 under SFPD General Order 8.10, Guidelines for First Amendment Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to adopt revised Department General Order 3.01, "Written Communication System" (ACTION ITEM)

5. Discussion and possible action to continue election of Commission Officers (ACTION ITEM)

6. Routine Administrative Business (DISCUSSION ONLY)
   a. Commissioner Announcements
      Reassignment of the following Disciplinary Cases:
      - Case Nos. C08-014 & D08-013 reassigned to Commissioner DeJesus
      - Case Nos. C06-181, C06-186, D08-165, C06-187, & C09-145 reassigned to Commissioner Hammer
      - Case No. C10-043 reassigned to Commissioner Orek
      - Case No. C10-043 reassigned to Commissioner Orek
      - Case No. C09-076 continued pending reassignment

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6. b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7 (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusions of Law supporting the Commission's Decisions given on November 4, 2009 and December 9, 2009

   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: (DISCUSSION ONLY)
   - KMO D07-070
   - JWA D03-364
   - JWA C09-013, JWA C09-255, JCT D06-179
   - KMO C09-157
   - JWA C09-220
   - ALW D08-165

   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Department's Appeal of Denial of Motion to Admit Evidence Relating to prior offense and request for Judicial Notice filed in Case Nos. RMW C08-166 & RMW C08-167 (ACTION ITEM)

   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to decide disciplinary charges filed in Case Nos. RMW C08-166 and RMW C08-167
   (The Commission will allow each party an optional five (5) minutes for oral closing argument)

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9 e. Pursuant to Government Code section 54956.9(a)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY) CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation City as Defendant; Number of Potential Cases: One

(OPEN SESSION)
Roll Call

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS LISTED ABOVE ARE NOT CONSIDERED AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THIS AGENDA PACKET IS AVAILABLE FOR INSPECTION AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL OFFICE HOURS. (415) 553-1667

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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JUNE 2, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:37 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan

Commissioner Mazzucco introduced newly sworn member Commissioner Angela Chan. Commissioner Chan then gave a brief bio.

ADOPTION OF MINUTES

- **Regular Meeting of March 3, 2010**

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 5-0.

PUBLIC COMMENT

Ace Washington discussed concerns regarding the reappointment of Commissioner Marshall and discussed concerns regarding actions of a police officer from Northern Station.

Summer Hararah, Coalition for Safe San Francisco, discussed concerns regarding comments by the Chief in regards to Muslim communities.

Veena Duvall, Asian Law Caucus Staff Attorney, discussed concerns regarding the 8.10 General Order audit in regards to First Amendment Rights Protections.

Emile Lawrence discussed concerns regarding OCC complaint.

Clyde discussed concerns regarding District Attorney Harris.

Raj Naicher discussed concerns regarding direct energy weapons.

Ariana, Immigrant Legal Committee, expressed opposition to secured communities policy.

Next item taken out of order.

PUBLIC COMMENT ON MATERS PERTAINING TO CLOSED SESSION

Clyde discussed concerns.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Onek, second by Commissioner DeJesus. Approved 5-0.

CLOSED SESSION (6:00 p.m. to 6:59 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact and Conclusions of Law supporting the Commission's Decisions given on November 4, 2009 and December 9, 2009** (Resolution Nos. 61-10, 62-10, & 63-10)
(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan, Deputy City Attorney Blits, Chief Gascón, Lt. Reilly)

b. **PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters:**
   - **KMO D07-070**
   - **JWA D03-364**
   - **JWA C09-015, JWA C09-255, JCT D06-179**
   - **KMO C09-157**
   - **JWA C09-220**
   - **ALW D08-165**

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(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan, Deputy City Attorney Blits, Chief Gascón, Lt. Reilly, members involved and their representatives)

c. **PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Department's Appeal of Denial of Motion to Admit Evidence Relating to prior offense and request for Judicial Notice filed in Case Nos. RMWC08-166 & RMW C08-167**

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan, Deputy City Attorney Blits, Chief Gascón, Lt. Reilly, member involved and their representative) Continued to June 16th.

d. **PERSONNEL EXCEPTION: Discussion and possible action to decide disciplinary charges filed in Case Nos. RMW C08-166 and RMW C08-167**

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan, Deputy City Attorney Blits, Chief Gascón, Lt. Reilly, member involved and their representative) Continued to June 16th.

e. **CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One**

(PRESENT: Commissioners Mazzucco, DeJesus, Hammer, Onek, Chan, Deputy City Attorney Blits, Chief Gascón, Lt. Reilly)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Onek for non disclosure. Approved 5-0.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Review of recent activities**
- **Status report regarding DNA Backlog**
- **Status report regarding development of Brady Policy**

Chief Gascón gave a brief update on crime numbers: Crime numbers are down 13 percent from the previous 4-week reporting period; property crimes down 16 percent; violent crimes down 1 percent; rapes down 9 percent; aggravated assaults down 5 percent; robbery is the only violent crime that is up. Total year-to-date is down 2 percent; 2,893 versus 2,946 for 2009. Total Part 1 crime is down 13 percent year-to-date, 14,756 versus 16,780 in 2009.

The Chief also announced the Captain Denise Schmitt will be promoted to Commander going to Administrative Services with Assistant Chief Cashman who will be going from Operations to Administrative Services and Assistant Chief Godown will be going to Operations.

The Chief also talked about attending the meeting put together by the U.S. Attorney's Office, in Monterey.

Assistant Chief Godown updated the Commission in regards to pending DNA backlog cases. Chief Godown also reported that backlog on firearms testing is down to 633 from 1,211.

Assistant Chief Tabak updated the Commission in regards to the development of the Brady Policy. Chief Tabak stated that the meet-and-confer has been initiated and that the Department has met with the POA.

Commissioner Hammer would like to know how many officers fall under the Brady Policy and would like the number by next week. Chief Gascón stated

that the Department may not have the number by next week and explained that the number will be a rolling number as cases are reviewed.

Commissioner DeJesus asked what the Department have been doing up to this point in regards to Pitchess Motion. Chief Tabak stated that the Department will be happy to do a presentation on Pitchess at a future Commission meeting.

Commissioner Mazzucco asked that Police Legal make the presentation on Pitchess Motions next week.

OCC DIRECTOR'S REPORT

- **Review of recent activities**
- **Presentation of Annual Audit for the years 2008 & 2009 under SFPD General Order 8.10, Guidelines for First Amendment Activities**

Director Hicks reported the following statistics: As of May, the OCC opened 400 cases and closed 363; there are 418 pending cases; 144 from 2009 and 274 from 2010; sustained 30 cases versus 17 from 2009. Mediations, the OCC mediated 15 complaints year-to-date versus 32 complaints mediated in 2009. Director Hicks stated that there was only one officer eligible for mediation who declined.

Director Hicks presented the Annual Audit for the years 2008 & 2009 under SFPD General Order 8.10, Guidelines for First Amendment Activities.

Mr. Charles Galman, Chief Investigator, addressed the Commission as to the audit process.

Commissioner DeJesus asked that this matter be put over to get the complete audit and asked that documents for this audit be centralized. Chief Gascón asked that this matter be put over for one week to allow the Department to get necessary documents.

Commissioner Chan asked why the audits were not submitted at the end of each calendar year. Director Hicks explained that if the audit is due by the end of each year, the full year will not be covered because the month of December will not be included. Commissioner Chan also asked that the updated version of DGO 8.10 be posted on the website.

COMMISSION REPORTS

- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco commended the Chief and the Department for the handling of the visit of President Obama.

PUBLIC COMMENT

Kim Carver, Local 21 representing criminalist, expressed opposition for outsourcing backlog cases to other labs and urge expediting hiring of new staff.

Emile Lawrence requested outside auditors to get a true audit.

DISCUSSION AND POSSIBLE ACTION TO ADOPT REVISED DEPARTMENT GENERAL ORDER 3.01, "WRITTEN COMMUNICATION SYSTEM"

Put over two weeks to add amendments by Commissioner Hammer.

PUBLIC COMMENT

None

DISCUSSION AND POSSIBLE ACTION TO CONTINUE ELECTION OF COMMISSION OFFICERS

Commissioner DeJesus stated that the election should be continued on a date certain.

Commissioner Onek suggested putting in on the calendar when Commissioner Marshall is back.

Motion by Commissioner DeJesus, second by Commissioner Hammer to set this item for June 23rd. Motion withdrawn.

Motion by Commissioner Mazzucco to calendar this item next week for setting of date. Second by Commissioner Hammer. Approved 5-0.

PUBLIC COMMENT
None

ROUTINE ADMINISTRATIVE BUSINESS

a. Commissioner Announcements
Reassignment of the following disciplinary cases:

- **Case Nos. C08-014 & D08-013 reassigned to Commissioner DeJesus** (Resolution Nos. 54-10 and 55-10)
- **Case Nos. C06-181, C06-186, D08-165, C06-187, & C09-143 reassigned to Commissioner Hammer** (Resolution Nos. 56-10, 57-10, 58-10, 59-10, & 60-10)
- **Case No. C10-043 reassigned to Commissioner Onek** (Resolution No. 64-10)
- **Case No. C09-076 continued pending reassignment**

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco would like a hearing on the Brady Policy. Deputy City Attorney Ross stated there is no time line right now and suggested the best thing is to continue having regular updates. Ms. Ross explained that this matter will be initially issued as a Unit Order.

Commissioner DeJesus stated that there should be a policy order saying that there has to be a Brady Policy in place.

Commissioner Hammer agrees with Commissioner DeJesus and that it should be calendared in two to three weeks to discuss having a policy order.

Commissioner Mazzucco would like to calendar discussion regarding Patrol Specials.

Commissioner Hammer would like to calendar under the Chief's Report updates in regards to the Crime Lab, the DNA Backlog, and the Brady Policy for regular updates. Commissioner Hammer would also like next week to have an item on the agenda in regards to a Commendation Award for Jane Warner. He also asked that a public discussion in regards to the status of disciplinary cases be on the agenda.

PUBLIC COMMENT
None

ADJOURNMENT

Motion by Commissioner Hammer, second by Commissioner Onek. Approved 5-0.

Thereafter, the meeting was adjourned at 7:00 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 9, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Backlog
      - Status report regarding development of Brady Policy
      - Report regarding the Department's procedure for responding to Pitchess Motions
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

4. Discussion and possible action to set the locations of future District Commission Meetings (ACTION ITEM)

5. Discussion and possible action to establish expanded criteria to reflect status of Police Commission Disciplinary Case Docket (ACTION ITEM)

6. Discussion and possible action to issue four Police Commission subpoenas in each of the disciplinary hearings of Officers James Lewis and Wendy Hurley (File No. C06-186 & C06-187) scheduled to begin on June 17, 2010 (ACTION ITEM)

7. Discussion and possible action to issue a Certificate of Commendation posthumously to Patrol Special Officer Jane Warner (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 9, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. Discussion and possible action to set the date of the Annual Election of Commission Officers (ACTION ITEM)

9. Public Comment on all matters pertaining to Closed Session

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

11. **Closed Session**

    a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
    PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
    Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-004) (DISCUSSION ONLY)

    b. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
    CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation:
    City as Defendant; Number of Potential Cases: One

(OPEN SESSION)
Roll Call.

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 16, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
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Secretary

Roll Call; Pledge of Allegiance

1. Public Comment on all matters pertaining to Closed Session

2. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

3. **Closed Session**
   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Department's Appeal of Denial of Motion to Admit Evidence Relating to prior offense and request for Judicial Notice filed in Case Nos. RMW C08-166 & RMW C08-167
   (The Commission will allow each party an optional five (5) minutes for oral closing argument)
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to decide disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167
   (The Commission will allow each party an optional five (5) minutes for oral closing argument)
   c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation: City as Defendant; Number of Potential Cases: One

GOVERNMENT
DOCUMENTS DEPT

JUN 29 2010

SAN FRANCISCO
PUBLIC LIBRARY

(OPEN SESSION)
Roll Call.

4. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

5. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 16, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

6. **Approval of the Consent Calendar**
   - Request by the Chief of Police to accept donation of used Gym Equipment from Mr. Darren Levy, Club One Gyms, valued at approximately $3,000.00, for use in the Ingleside Station Gym (ACTION ITEM)

7. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Backlog
      - Status report regarding development of Brady Policy
      - Presentation of the Department's First Quarter 2010 Document Protocol Report
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of Annual Audit for the year 2009 under SFPD General Order 8.10, Guidelines for First Amendment Activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

8. Discussion and possible action to adopt revised Department General Order 3.01, "Written Communication System" (ACTION ITEM)

9. Discussion and possible action to adopt a resolution requiring the San Francisco Police Department to audit the impact of "S-Comm" or "Secure Communities" (ACTION ITEM)

10. Discussion and possible action to reconsider the issuing four Police Commission subpoenas in each of the disciplinary hearings of Officers James Lewis and Wendy Hurley (File No. C06-186 & C06-187) scheduled to begin on June 17, 2010 (ACTION ITEM)

11. **Routine Administrative Business** (DISCUSSION ONLY)
    a. Commissioner Announcements
       - Assignment of disciplinary charges filed in Case No. ALW C153-09 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
       - Assignment of disciplinary charges filed in Case No. JWA C10-145 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
    b. Scheduling of items identified for consideration at future Commission Meetings

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

YVONNE Y. LEE
Commissioner

DAVID ONEK
Commissioner

VINCENT PAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 16, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORM

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
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THOMAS MAZZUCCO
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Commissioner

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Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 23, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

GOVERNMENT DOCUMENTS DEPT
JUN 29 2010
SAN FRANCISCO PUBLIC LIBRARY

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

Roll Call; Pledge of Allegiance

1. Approval of Minutes (ACTION ITEM)
   - Regular Meeting of March 10, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Backlog
      - Status report regarding development of Brady Policy
      - Presentation of Purple Heart Certificate to the family of Officer Waldemar Jentzsch who died in the line of duty on December 25, 1937
      - Report on best practices for forensic analysis in other jurisdictions of sexual assault evidence
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

      Status Report:
      - Patrol Special Study

4. Discussion and possible action to adopt revised Department General Order 3.01, "Written Communication System" (ACTION ITEM)

5. Discussion and possible action to adopt a resolution requiring the San Francisco Police Department to audit the impact of "S-Comm" or "Secure Communities" (ACTION ITEM)

6. Discussion and possible action to convene a public hearing regarding the Department's response to medical marijuana (Compassionate Use Act of 1996) (ACTION ITEM)

7. Election of Commission Officers (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 23, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

8. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

9. Public Comment on all matters pertaining to Closed Session

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

11. **Closed Session**
   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to affirm or reverse rulings on dispositive motions made by the Hearing Officer in Case C04-137
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION ONLY)
   c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation:
   City as Defendant; Number of Potential Cases: One

(OPEN SESSION)
Roll Call.

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Commission will meet in the Park District, Grattan Elementary School, 165 Grattan Street, San Francisco, at 6:00 p.m., on Wednesday, June 30, 2010, to hear comments from the public and Park Station Captain Terry Barrett concerning public protections issues in the Park District.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 30, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Teresa Joe Reilly
Secretary

SF
P45
#1
6/30/10

7. **Closed Session**

a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny an appeal of disciplinary action imposed by the Chief of Police in case # D03-190

b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (ACTION ITEM)
CONFERENCE WITH LEGAL COUNSEL
Carlos Garcia v. CCSF, S.F. Superior Court No. CGC-05-447342

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION ONLY)

d. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
City as Defendant; Number of Potential Cases: One

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(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. Approval of Consent Calendar (ACTION ITEM)
a. Recommendation that the Board of Supervisors approve settlement of the following case in accordance with the advice of the City Attorney:
Carlos Garcia v. CCSF, S.F. Superior Court No. CGC-05-447342

9 **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

LUCIUS MAZZUCCO
Vice President

JESUS A DIMESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES SPAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JUNE 30, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETER DUBSUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Kelly
Secretary

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - DNA Backlog status report
      - Brady Policy development status report
      - Crime Lab investigation status report
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

3. Election of Commission Officers (ACTION ITEM)

4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 7, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of March 17, 2010

2. **Approval of Consent Calendar** (ACTION ITEM)
   - Request of Officer Darwin Naval for approval to accept gifts of a couch, coffee table, and rug, from Sarah Finley, High Noon Entertainment, valued at $2,000.00

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding DNA Backlog
      - Status report regarding development of Brady Policy
      - Report on best practices for prioritization of forensic evidence processing analysis
      - Report on SFPD's processing of Civil Immigration Warrants
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

      Status Report:
      - Commissioners' Disciplinary Case Docket
      - Commission Staffing

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

GOVERNMENT DOCUMENTS DEPT

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 7, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION ONLY)
   c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation:
   City as Defendant; Number of Potential Cases: One

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 14, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

SF
P45
#1
7/14/10
c.2

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding development of Brady Policy
      - Report on SFPD's processing of Civil Immigration Warrants
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. Presentation of the Department's Bi-monthly Report regarding the Audit of the Secure Communities Program under Commission Resolution 73-10, adopted 6/23/10 (DISCUSSION ONLY)

4. Discussion and possible action to issue Police Commission subpoenas in the matter of Case Nos. C09-128 & C10-046 for hearings scheduled to begin on August 23, 2010 (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 14, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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President

THOMAS MAZZUCCO
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PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

8. **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following an officer-involved shooting (OIS Case No. 10-005) (DISCUSSION ONLY)

b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact supporting the Commission's Decision given March 17, 2010 in Case Nos. KMO D08-013 & JWF C08-014

c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary cases: (DISCUSSION ONLY)
- File No. ALW C08-181
- File No. JCT C05-190
- File No. JWA C09-191
- File No. KMO D07-070 (Appeal of the Chief's Suspension)
- File No. JCT D06-180 (Appeal of the Chief's Suspension)
- File No. JCT D06-173 (Appeal of the Chief's Suspension)
- File No. JWA C09-220 & ALW C10-094
- File No. KMO C09-157

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to decide disciplinary charges filed in Case No. ALW C09-190
(The Commission will allow each party an optional five (5) minutes for oral closing argument)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 14, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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THOMAS MAZZUCCO
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Commissioner

ANGELA CHAN
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JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

8. e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to grant or deny an appeal of disciplinary action imposed by the Chief of Police in Case No. ALW D08-165
(The Commission will allow each party an optional five (5) minutes for oral closing argument)

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

...

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joe Reilly
Secretary

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 21, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meetings of March 31st, April 7th, and April 14, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding development of Brady Policy
      - Crime Lab investigation status report
      - Report on best practices for forensic evidence processing prioritization & DNA backlog
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
      - Assignment of disciplinary charges filed in Case No. ALW C10-158 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. ALW C10-169 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 21, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

7. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact supporting the Commission's Decision given March 17, 2010 in Case Nos. KMO D08-013 & JWF C08-014

   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Public Employee Appointment:
   Police Commission Secretary

   c. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation:
   City as Defendant; Number of Potential Cases: One

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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THOMAS MAZZUCCO
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Lieutenant Joe Reilly
Secretary

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 28, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of April 21, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Status report regarding development of Brady Policy
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

      Status Report:
      - Commission Office Staffing

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4. Election of Commission Officers (ACTION ITEM)

5. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commissioner Announcements
      - Assignment of disciplinary charges filed in Case No. KMO C10-161 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. KMO C10-160 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, JULY 28, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

6. Public Comment on all matters pertaining to Closed Session

7. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

8. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition in Disciplinary Case No. JCT C06-187

   b. Pursuant to Government Code section 54956.9(b)(1) and San Francisco Administrative Code Section 67.10(d)(2): (DISCUSSION ONLY)
   CONFERENCE WITH LEGAL COUNSEL: Anticipated Litigation:
   City as Defendant; Number of Potential Cases: One

   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. C09-062 (ACTION ITEM)

   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to adopt Findings of Fact supporting the Commission's Decision given March 17, 2010 in Case Nos. KMO D08-013 & JWF C08-014

(OPEN SESSION)
Roll Call.

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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Commissioner

JAMES HAMMER
Commissioner

ANGELA CHAN
Commissioner

Lieutenant Joe Reilly
Secretary

July 28, 2010

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Cancelled

Notice of Meeting Cancellation

The Police Commission's meeting for Wednesday, July 28, 2010 has been cancelled.

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THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

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Commissioner

ANGELA CHAN
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 4, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

Special Order: 5:30 p.m. Please note that the Commission will first call item #4 and return to the regular agenda order no later than 7:00 p.m.

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Police Commission's Second Quarter 2010 Report of Closed Session Disciplinary Actions
   - OCC's Second Quarter 2010 Quarterly Report

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Report on best practices for forensic evidence processing prioritization & DNA backlog
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      - Commissioners' Disciplinary Case Docket
      - Commission Office Staffing

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4. Presentation regarding SFPD Medicinal Marijuana Policy (DISCUSSION ONLY)

5. Election of Commission Officers (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 4, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Routine Administrative Business (DISCUSSION ONLY)**
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. KMO C10-161 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. KMO C10-160 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-006) (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in Case No. JCT C06-181
      (The Commission will allow each party an optional three (3) minutes for oral closing argument & additional ten (10) minutes for oral closing argument in the penalty phase)
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7 (ACTION ITEM)
      PERSONNEL EXCEPTION: Discussion and possible action to decide penalty for disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167
      (The Commission will allow each party an optional ten (10) minutes for oral closing argument in the penalty phase)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 4, 2010
5:30 p.m.

CITY HALL, ROOM 400
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San Francisco, California

Closed Session (cont'd)

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM) PERSONNEL EXCEPTION. Discussion and possible action to issue Police Commission subpoenas in the matter of Case No. C09-062

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103 DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
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ANGELA CHAN
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JAMES HAMMER
Commissioner

Lieutenant Joe Kelly
Secretary

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[illegible] of and use of cellphones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may direct persons from the meeting room if any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

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JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, August 11, 2010.**
Please join the Commission at its next meeting on

Wednesday, August 18, 2010
at 5:30 p.m.
at
City Hall, Room 200
San Francisco

**** Please Note: The Commission will meet in the Tenderloin District, Community Meeting Room, 201 Turk Street, San Francisco, on Wednesday, August 25, 2010, at 6:00 p.m.**

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 18, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meetings of April 28, 2010 & May 5, 2010

2. **Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Officer-Involved Shooting Investigation 2nd Quarter Status Summary
   - Second Quarter Firearm Discharge Review Board (FDRB) Findings & Recommendations
   - Quarterly Report by the Department and the Office of Citizen Complaints regarding Police Proposals (Sparks Resolution)
   - Office of Citizen Complaints Monthly Comprehensive Statistical Report -- January 1, 2010 through July 30, 2010 and January 1, 2009 through July 30, 2009

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
      - Status Report regarding Vicious Dog Unit
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      - Commissioners' Disciplinary Case Docket
      - Commission Office Staffing

5. Election of Commission Officers (ACTION ITEM)

GOVERNMENT
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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 18, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
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Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
      - Assignment of disciplinary charges filed in Case No. JWA C10-186 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
      - Assignment of disciplinary charges filed in Case No. JWA C10-187 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-006) (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Discussion and possible action to decide penalty for disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167
      (The Commission will allow each party an optional ten (10) minutes for oral closing argument in the penalty phase)
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. KMO D07-070

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 18, 2010
5:30 p.m.

CITY HALL, ROOM 400
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San Francisco, California

9. d. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227

e. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION ONLY)
CONFERENCE WITH LEGAL COUNSEL: Pending Litigation
People v. Bautista, San Francisco Superior Court No. 2376451/SCN: 206149

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.
1. The Commission will hold its Community Meeting in the Tenderloin District, at the Community Meeting Room, 201 Turk Street, San Francisco, at 6:00 p.m., on Wednesday, August 25, 2010, to hear comments from the public and Tenderloin Station Captain Joseph Garrity concerning public protections issues in the Tenderloin District

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
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JAMES HAMMER
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

AUGUST 18, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:42 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Kingsley, Hammer

(Commissioner Hammer is excused at 8:41 p.m.)

APPROVAL OF MINUTES

- **Regular Meetings of April 28, 2010 & May 5, 2010**

Motion by Commissioner Mazzucco, second by Commissioner Chan. Approved 6-0.

CONSENT CALENDAR

- Officer-Involved Shooting Investigation 2nd Quarter Status Summary
- Second Quarter Firearm Discharge Review Board (FDRB) Findings & Recommendations
- Quarterly Report by the Department and the Office of Citizen Complaints regarding Police Proposals (Sparks Resolution)
- Office of Citizen Complaints Monthly Comprehensive Statistical Report – January 1, 2010 through July 30, 2010 and January 1, 2009 through July 30, 2009

Commissioner Chan asked about the OIS Report and asked about training with regards to dealing with the mentally ill members of the public. Chief Gascón talked about the OIS Five-Year report presented to the Commission earlier this year and stated that some of the recommendations have moved forward and that there are still training recommendations that are still pending further review.

Commissioner Chan asked that an item in regards to training be agendized some time in the future to get an update on the training recommendations. The Chief suggested a more holistic look at training in the Department and do an assessment to evaluate and prioritize how much training the Department is willing to pay for. The Chief stated that it would be good for the Commission to have a full understanding about the training mandates and where the resources are. The Chief asked that there be a discussion towards the end of this month to see how much time Commander Schmitt will need to put this presentation together.

Commissioner DeJesus stated that training on how to handle medical cannabis will be helpful and a breakdown of training in regards to mental health patients.

Motion by Commissioner Mazzucco, second by Commissioner Hammer to approve the Consent Calendar. Approved 6-0.

PUBLIC COMMENT

Ray Hartz, Director of Open Government Coalition, discussed concerns regarding index of records and documents.

Judy Thacker discussed concerns regarding being a target of constant abuse since 1985.

Christine Harris discussed direct energy weapons.

Eric discussed concerns regarding his OCC complaint.

Raj Naicher discussed concerns regarding mind control weapons.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

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- **Status Report regarding Vicious Dog Unit**

Chief Gascón reported the following crime stats: Part 1 crime is down 11 percent, 23,331 for 2010 vs 26,091 for 2009; property crime is down 12 percent, 18,950 for 2010 vs 21,523 for 2009; violent crime is down 4 percent, 4381 vs 4568 in 2009; homicide is even as last year. The Chief expressed concern regarding the killing of a tourist at a crowded commercial area and stated that he is irate that there has been no email in regards to this killing. The Chief stated that five suspect were arrested and that it is an ongoing investigation.

Commissioner Hammer asked what is in the current law that is in the purview of the Police Department that can stop this kind of thing from happening again. The Chief explained that the Department does not control any of the permitting for clubs and stated that there are folks from the Entertainment Commission that are working hard with the Department to try and come up with solutions. Chief Gascón also explained that the event fell under the radar because it was an underage event that was promoted not through a club but a place that was rented. The Chief explained that the only violation was a fire code violation because the venue is not permitted to have this type of an event.

Commissioner Hammer suggested holding a joint meeting with the Entertainment Commission.

Commissioner Mazzucco asked how much it is costing the Department to police nightclub events. The Chief stated that having the joint hearing will be a good thing and stated that there are responsible operators in the city.

Commissioner DeJesus stated that it is a good idea to meet with the Entertainment Commission to give input.

Commissioner Kingsley thanked the Chief for bringing this item up and asked what is the procedure as to going forward with this item and giving it a high priority.

Captain Terry Barrett, Park Station, presented the status report regarding the Vicious Dog Unit and stated that Officer Sherry Hicks will be working in this unit and working with Animal Care and Control.

Director Katz, Animal Care and Control, addressed the Commission in regards to the Vicious and Dangerous Dog Unit and being able to address the communities' concerns.

Sally Stevens, San Francisco Dog Owners Group, addressed the Commission and asked that there be a general order as to duties and responsibilities of the Vicious Dog Unit.

Commissioner Hammer asked how long before the new DGO is presented to the Commission. Captain Barrett stated that Director Katz will look at the DGO and from there it will go to the Department for review.

Commissioner DeJesus commended Sgt. Herndon and Officer Denny for their work with the Dog Court.

Commissioner Mazzucco asked how does the process work. Officer Denny explained the process.

Chief Gascón thanked Director Katz, Captain Barrett, and everyone involve for attending the meeting.

OCC DIRECTOR'S REPORT

- **Review of recent activities**

Director Hicks reported that the OCC opened 576 cases in 2010 versus 650 in 2009 and closed 544 cases versus 651 in 2009; there are 413 pending cases; sustained 45 cases in 2010 to date versus 30 in 2009. Mediation, the OCC mediation 31 complaints, 8 cases in July and 6 cases in August.

COMMISSION REPORTS

- **Commission President's Report**
- **Commissioners' Reports**
- **Commissioners' Disciplinary Case Docket**
- **Commission Office Staffing**

Commissioner Marshall talked about a press conference in the Bayview in regards to two incidents and the putting together of the Ambassador Program. Chief Gascón stated that he hopes that this will be a start of a program for all over the city.

Commissioner Hammer updated the Commission in regards to the Hurley disciplinary hearing.

Commissioner Chan updated the Commission in regards to the Commission staffing and the choice between a Legal Assistant or a Court Clerk. Lieutenant Reilly stated that he would prefer a Court Clerk. Commissioner Chan motion that HR be notified to put out an announcement. Commissioner DeJesus asked that the announcement be modified that this individual will be reporting to the Secretary of the Police Commission and not the Superior Court. Motion second by Commissioner Hammer. Lieutenant Reilly stated that this item will be memorialized at a future agenda as an action item.

Commissioner Mazzucco asked when will the replacement for Lt. Reilly be available. Lieutenant Reilly stated that the new Lieutenant is expected to start on Monday, August 23rd. Chief Gascón explained that this will be on a trial basis to see if it will be a good fit between the Commission and the new Lieutenant.

PUBLIC COMMENT

Ray Hartz, SF Open Government, discussed concerns regarding the OCC report.

Unidentified expressed support for the Dog Unit and commended Sgt. Herndon and Officer Denny for the great work that they do, not just in Dog Court, but for all the work they do for the Dog Unit.

Vicki Tiernan commended Sgt. Herndon and Officer Denny and expressed support for the new general order.

Lisa Vittori commended Sgt. Herndon and Officer Denny for their work and asked for a social work aspect and discussed concern regarding a vicious dog in the neighborhood, and asked that the name of the unit be changed.

ELECTION OF COMMISSION OFFICERS

Commissioner Marshall asked that this item be put over until the new Commissioner is on board. Commissioner DeJesus expressed concern that the Board is on recess right now.

Commissioner Marshall stated that it be put over to September 15th.

Commissioner Chan stated that she would want someone that communicates well with the other Commissioners; someone that provides true civilian oversight; and, someone who makes the Department and the Commission accessible to the public and encourages public support.

Commissioner DeJesus stated that she agrees with Commission Chan and that information should flow freely within the Commission.

Put over to September 15th.

PUBLIC COMMENT

- Ray Hartz discussed concerns regarding finding documents.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

- **Assignment of disciplinary charges filed in Case No. JWA C10-186 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 85-10, Assigned to Commissioner Kingsley)
- **Assignment of disciplinary charges filed in Case No. JWA C10-187 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner** (Resolution 86-10, Assigned to Commissioner Kingsley)

Lieutenant Reilly also announced that the Commission will meet in the Tenderloin District on Wednesday, August 25th, at 6:00 p.m., at the Community Meeting Room, 201 Turk Street, in San Francisco.

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Kingsley discussed priorities: (1) How to address violence related to nightclub venues; (2) How to handle backlog of disciplinary cases before the Commission.

Commissioner Kingsley suggested proceeding with the item brought up by Chief Gascón in regards to violence associated with nightclubs even before the new Commissioner is brought in.

Commissioner Hammer agrees with Commissioner Kingsley and stated that the Commission should follow Chief Gascón's lead in regards to violence associated with nightclubs. Commissioner Hammer also asked that the DNA backlog be calendared and suggested that the Chief's report for next week's meeting in the community include an update on the DNA backlog.

Commissioner Marshall asked to have an item on the agenda next week to discuss how to calendar items requested by each Commissioner.

Commissioner DeJesus would like to discuss a Police Commission retreat added to the calendar for discussion.

Commissioner Mazzucco agrees with Commissioner Kingsley to have the item in regards to violence associated with nightclubs be agendized as soon as possible.

Chief Gascón stated that the Department has limited resources and is being stretched more so every day, whether it be training or enforcement efforts, and when there are short due dates to put together reports requested by the Commission, the quality of those reports are less and often the Commission gets reports that the Chief does not see. The Chief suggested that in order for the Commission to develop good policy decisions, the Commission needs to allow the Department the time to prepare the reports that the Commission deserves to have in order to make the right decision and that prioritizing is critical because at the pace the Department is going with the reduction of workforce, the Department needs that level of understanding from the Commission and stated that that is why he talked with Commissioner Chan regarding training and having the discussion before the Commission to give the Commission a thorough understanding of what the Department's training obligations are in order to make informed decisions.

Chief Gascón suggested that if there is a clear mission for the Commission base on what the Charter mandates are, then everything starts to flow from there.

The Chief suggested that the Commission have an annual work plan that is voted upon and that everybody is in agreement with.

Commissioner Marshall asked if the Commission can have the DNA report next week. The Chief stated that the Department can do an oral report and suggested having the questions ahead of time.

Commissioner Hammer asked that the discussion of having a joint meeting with the Entertainment Commission be on the agenda next week.

Commissioner Marshall stated that he would like to see the whole priorities list and discuss if before putting items on the agenda.

Commissioner Mazzucco agrees with Commissioner Hammer to have the item on the agenda next week to discuss and vote for a joint meeting with the Entertainment Commission.

PUBLIC COMMENT

Barbara Growth discussed concerns.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Steve Johnson discussed concerns of having hearings on appeal in front of the agenda.

(The Commission recessed from 7:58 p.m. to 8:15 p.m.)

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION (8:15 p.m. to 10:01 p.m.)

b. **PERSONNEL EXCEPTION: Discussion and possible action to decide penalty for disciplinary charges filed in Case Nos. RMW C08-166 & RMW C08-167**

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Lieutenant Reilly, Attorney M. Nicco, Attorney J. Alden, member involved) Item put over to September 29th

c. **PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. KMO D07-070**

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Lieutenant Reilly, Attorney J. Alden, Mr. Steve Johnson, and member involved) (Resolution 87-10)

d. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation Fonseca v. Fong, California Court of Appeal Case No. A120206; San Francisco Superior Court Case No. 507-227**

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Lieutenant Reilly)

(Commissioner Hammer is excused at 8:41 p.m.)

e. **CONFERENCE WITH LEGAL COUNSEL: Pending Litigation People v. Bautista, San Francisco Superior Court No. 2376451/SCN: 206149**

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Lieutenant Reilly, Lieutenant D. Mahoney, and Director J. Tidwell)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police: Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-006)**

(Present: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Lieutenant Reilly, Inspector Nevin)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Chan for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Chan, second by Commissioner Mazzucco. Approved 5-0.

Thereafter, the meeting was adjourned at 10:04 p.m.

_____

Lieutenant Joseph Reilly
Secretary
San Francisco Police Commission

1497/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 25, 2010
6:00 p.m.

Tenderloin District
Community Meeting Room
201 Turk Street
San Francisco

Pledge of Allegiance; Roll Call

1. **Reports to the Commission** (DISCUSSION ONLY)
   a. **Chief's Report**
      - Review of Recent Activities
      - Report on best practices for forensic evidence processing prioritization & DNA backlog
   b. **OCC Director's Report**
      - Review of Recent Activities
   c. **Commission Reports**
      - Commission President's Report
      - Commissioners' Reports

2. Captain Joseph Garrity, Commanding Officer of Tenderloin Station, to address the Commission on Police Activities in the Tenderloin District (DISCUSSION ONLY)

3. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under Police Commission Rules of Order, during Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Routine Administrative Business** (DISCUSSION & POSSIBLE ACTION)
   a. Commission Announcements
   b. Discussion and possible action to approve Commission priorities for scheduling on future agendas

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, AUGUST 25, 2010
6:00 p.m.

Tenderloin District
Community Meeting Room
201 Turk Street
San Francisco

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

7. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM) PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement of disciplinary charges filed in Case Nos. JWA C09-015, JWA C09-255, & JCT D06-179

8. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

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Lieutenant Joseph Reilly
Secretary

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 1, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

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Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meetings of May 12th & 19, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Update on significant policing efforts by Department members
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
      - Status Report from former Patrol Special Hanley Chan regarding Sale of Beat 72, per Police Commission Resolution 122-09, adopted 12/4/09

5. Presentation by the Public Safety Strategies Group (PSSG): Patrol Special Program Review (DISCUSSION ONLY)

6. **Routine Administrative Business** (DISCUSSION ONLY)
   a. Commission Announcements
   b. Scheduling of items identified for consideration at future Commission Meetings

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 1, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

9. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible to sustain or not sustain disciplinary charges filed in Case No. ALW C09-190

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 8, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Minutes** (ACTION ITEM)
   - Regular Meeting of August 18, 2010

2. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Department Bulletin No. 10-212, "Revision of Department General Order 6.09-Confiscating Weapons at the Scene of a Domestic Violence Incident," issued on 7/26/10, per Department General Order 3.01, Rule II

3. **Public Comment**
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4. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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5. Discussion and possible action regarding Protocols for Procedures for Disclosure of Materials from Law Enforcement Personnel Records in Compliance with Brady and Evidence Codes §1043 et seq. (ACTION ITEM)

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
      - Assignment of disciplinary charges filed in Case No. JWA C10-195 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 8, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

9. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-007) (DISCUSSION ONLY)

   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary cases (DISCUSSION ONLY)

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly -
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Office of Citizen Complaints Monthly Comprehensive Statistical Report – January 1, 2010 through August 31, 2010 and January 1, 2009 through August 31, 2009

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        - Proposed Retreat Agenda

4. Discussion and possible action to request for the Board of Supervisors' approval and acceptance of two automobiles from KKI Productions: a 2007 Honda Accord 4 door silver with mileage of 33, 681, valued at $15,571.44; and, a 2008 Toyota Corolla S-Type 4-door charcoal gray with mileage of 32,518, valued at $15,667.86. These automobiles will be placed into the general fleet of vehicles assigned to the San Francisco Police Department (ACTION ITEM)

5. Presentation of the Department's Bi-monthly Report regarding the Audit of the Secure Communities Program under Commission Resolution 73-10, adopted 6/23/10 (DISCUSSION ONLY)

6. Discussion and possible action to issue Police Commission subpoenas in the matter of Case Nos. C09-015 and C09-255 for hearing scheduled to begin on September 22, 2010 (ACTION ITEM)

7. Election of Commission Officers (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

8. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

9. Public Comment on all matters pertaining to Closed Session

10. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

11. **Closed Session**

   a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject Stipulated Disposition in Case No. JWA C09-191 (ACTION ITEM)

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in case no. ALW C09-190 (ACTION ITEM)

   c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to grant or deny Motion to Quash Service and Dismiss Pursuant to California Government Code Section 3304(D) (Defective Service) Disciplinary Charges filed in Case No. C10-059 pursuant to Government Code Section 3304(d) (ACTION ITEM)
   The following time limits will apply:
   Charged Officer's Opening: up to 10 minutes
   OCC's Opposition including witness cross examination: up to 10 minutes
   Charged Officer's Rebuttal: up to 5 minutes

(OPEN SESSION)
Roll Call.

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 15, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

13. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
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Lieutenant Joseph Reilly
Secretary

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 22, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

Roll Call; Pledge of Allegiance

1. **Public Comment**
(Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Presentation of Certificates of Appreciation
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. Discussion and possible action to request that the Department of Human Resources take all steps necessary to post a job announcement for Court Clerk, Civil Service Class 8113, to support the Police Commission, and to accept applications for that position (ACTION ITEM)

4. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
      - Reassignment of Disciplinary Case No. C10-042
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

5. Public Comment on all matters pertaining to Closed Session

6. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

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Commissioner

JAMES HAMMER
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CAROL KINGSLEY
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Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 22, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. **Closed Session**

   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement of disciplinary charges filed in Case Nos. JWA C09-015, JWA C09-255, & JCT D06-179

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain disciplinary charges filed in case no. C04-137 (ACTION ITEM)
   The following time limits will apply:
   Department's Closing Argument: up to 10 minutes
   Charged Officer's Closing Argument: up to 10 minutes
   Department's Rebuttal: up to 5 minutes

   c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Hearing and Taking of Evidence and possible action to sustain or not sustain Disciplinary Charges filed in Case No. C10-169

(OPEN SESSION)
Roll Call.

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

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PLEASE NOTE:

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1. The Commission will meet at the Embarcadero Conference Center, Promenade Level, Embarcadero Four, San Francisco at 10:00 a.m. on Saturday, October 2, 2010 to discuss its mission, responsibilities, rules and objectives.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
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Lieutenant Joseph Reilly
Secretary

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 29, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

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45
9/29/10

Roll Call; Pledge of Allegiance

1. **Public Comment**
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2. **Commission Reports** (DISCUSSION ONLY)
   - Commission President's Report
   - Commissioners' Reports
     - Proposed amendments to Police Commission Disciplinary Hearing Rules

3. Public Comment on all matters pertaining to Closed Session.

4. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

5. **Closed Session**

   a. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Discussion and possible action to decide penalty for disciplinary charges filed in case no. C04-137 (ACTION ITEM)
   (The Commission will allow each party an optional thirty (30) minutes for oral closing argument in the penalty phase)

   b. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Hearing and Taking of Evidence and possible action to sustain or not sustain Disciplinary Charges filed in Case No. C10-169 (ACTION ITEM)

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, SEPTEMBER 29, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

(OPEN SESSION)
Roll Call.

6. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

7. **Adjournment** (ACTION ITEM)

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1. The Commission will meet at the Embarcadero Conference Center, Promenade Level, Embarcadero Four, San Francisco at 10:00 a.m. on Saturday, October 2, 2010 to discuss its mission, responsibilities, rules and objectives.

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

September 16, 2010

Notice of Special Meeting

The Police Commission will hold a Special Meeting at the Embarcadero Conference Center,

Promenade Level, Four Embarcadero Center, San Francisco

at 10:00 a.m. on Saturday, October 2, 2010

to discuss its mission, responsibilities, rules and objectives.

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CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissinner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION
COMMISSION RETREAT AGENDA
Special Meeting
Saturday, October 2, 2010
10:00 a.m.

Location: Embarcadero #4 Conference Center
Promenade Level

1. *Group Agreements and Overview of the Day. [Discussion]*

2. *Police Commission Mission Statement and Rules of Order.* [*Discussion and possible action*] Discussion regarding whether the Commission's Mission Statement and Rules of Order are current and match Commission objectives; possible action to update each accordingly.

3. *Responsibilities of the Police Commission. [Discussion and possible action]* Discuss individual perceptions, find commonalities, and develop a working vision for strengthening relationships. Discussion regarding the following topics; possible action to set individual responsibilities for Commission members.

   a. Role of the Commissioner (individual and group)
   b. Relationship with the San Francisco community
   c. Relationship with Police Department and Chief
   d. Relationship with OCC and Executive Director
   e. Communication and Protocol
   f. Relationship with Media

4. *Develop Objectives of the Commission (to serve as guide in setting priorities). [Discussion and possible action]* Discussion and possible action to develop Commission objectives.

5. *Prioritize Areas of Concern & Develop Progress Plan.* [*Discussion and possible action*] Discussion and possible action to:
   a. Develop criteria for determining Commission priorities
   b. Develop understanding of how to address unexpected, urgent matters
   c. Prioritize and establish Commission goals
   d. Develop measurement for determining if Commission is advancing its goals

6. *Discuss Communication and Protocol with the Chief of Police and OCC Director.* [*Discussion and possible action*]. Discussion and possible action to set communication and other protocols with Chief of Police and OCC Director.

7. *Reflections on Retreat [Discussion]* Discussion regarding Commission strengths and areas for improvement

8. Adjourn.

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
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OCTOBER 2, 2010 **SPECIAL MEETING**

The Police Commission of the City and County of San Francisco met at the Embarcadero #4 Conference Center, Promenade Level, San Francisco, at 10:00 a.m., in a Special Meeting.

PRESENT: Commissioners Marshall Mazzucco, DeJesus, Chan, Hammer, Kingsley
(Also present were former Commissioner Peter Keane, as facilitator, Ms. Katie Porter, Deputy City Attorney, Lieutenant Joseph Reilly, and Lieutenant Timothy Falvey)

There were no members of the public present.

GROUP AGREEMENTS AND OVERVIEW OF THE DAY

Commissioner Keane quickly went over the ground rules for the day.

POLICE COMMISSION MISSION STATEMENT
Discussion regarding whether the Commission's Mission Statement and Rules of Order are current and match Commission objectives; possible action to update each accordingly

Commissioners Chan and DeJesus were appointed as a subcommittee to rewrite the Commission's Mission Statement.

Commissioner Chan suggested just adding one sentence that would referenced Charter Section 4.102 and add specific things that the Commission really care about such as the power of inquiry.

Commissioner DeJesus suggested amending the Rules of Order when it comes to the Election of Commission Officers.

Ms. Porter suggested that the Rules of Order be agendized for discussion at a regular meeting and once the Commission has a consensus, she can change the Rules of Order for posting 10 days before taking action for approval.

PUBLIC COMMENT
None

RESPONSIBILITIES OF THE POLICE COMMISSION
Discuss individual perceptions, find commonalities, and develop a working vision for strengthening relationships. Discussion regarding the following topics; possible action to set individual responsibilities for Commission members.

a. Role of the Commissioner (individual and group)
b. Relationship with the San Francisco community
c. Relationship with Police Department and Chief
d. Relationship with OCC and Executive Director
e. Communication and Protocol
f. Relationship with Media

Commissioner Keane asked each of the Commissioners as to their thoughts in regards to Items a through d.

Commissioner Marshall: For the Commission to have some civility, some priority instead of being driven by newspaper articles or issues of individual commissioners or public comment. He would also like to see some kind of protocol as a group and figure out how to work with the Chief.

Commissioner Mazzucco: The Commission comes from different areas in life which makes it a strong body, however, the Commission, as a whole, must represent the entire community as a liaison to the Police Department and the

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OCC. He stated that the Commission needs to be more cognizant that it is not a single-issue commission and shouldn't be driven by news stories.

Commissioner Chan: The Commission should have a united front and if there is disagreement, it should not be done in front of the public unless it is something that cannot be resolved behind closed doors. The Commission's relationship with the public is key and it is the job of the Commission to hear their concerns. During public comment, the Commission definitely have to listen. The Commission shouldn't just respond to the comments, the Commission should go out there and actively seek the questions and concerns from the community because the Commission represents all community members. As for the Police Chief, Commissioner Chan stated that he is someone who has the expertise in public safety and law enforcement and it is the role of the Commission to help him to become the best chief he can be and to make sure he knows how to work with a civilian oversight body and the public.

Commissioner Kingsley: Described it from a corporate standpoint as the Department and the OCC being sort of a brother-sister corporation with an overlap of stakeholders or shareholders and those being the people who live, work, and visits San Francisco. Those are the clients. The Commission being essentially the Board of Directors and the stakeholders, shareholders, and the community are the clients and the Commission needs as much input from the community and that there should be collaboration with all members of the community, the Department and the OCC. The community should have confidence that the Commission is working with the Department and the OCC to set policies that reflect the general community.

Commissioner Hammer: The Commission should find a way together to more effectively discharge its duties of inquiry; to ask good questions to help the department do better. There should be some balance in dealing with issues that emerge without responding to every person in public comment. The Commission should also think of how to effectively work with the Chief.

Commissioner DeJesus: The Commission should respond to public comment and concerns specially those of under-represented communities. The Commission should not just get along, go along, and not disturb the Chief because that makes it complacent and complacency has no place in an oversight committee. The Commission also has obstacles like the MOU and the Copley where the Commission cannot have open hearings.

Relationship with Police Department and Chief

CONCERNS:

- Press conference without notification to the Commission and background information concerning what is happening in the Department

- Going to the press to attack or ridicule a City Commissioner or the decision by the Commission

- Communication with the Commissioner

OUTCOME: What can the Commission do to improve its relationship with the Chief?

SUGGESTIONS:

- Develop a simple protocol laying out ground rules in working with the Chief to include the Commission's expectations and incorporating that with what the Chief expects from the Commission.

- A five to 10 minute call each week from the Chief to each Commissioner to touch base and say here's what's going on and to communicate to the

Chief as to what the Commission is hearing from the community that might be helpful to him.

- Strengthen the notification resolution passed by the Commission

- Pre-communicating to the Commission a little more depth about press briefings

- Going over the role of the Commission through the Charter with the Chief and figure out what his thoughts are

- Per the Charter, the Commission, as a body, can inquire under its power of inquiry to require that a certain person be brought before them or certain records be made available

Communication & Protocol
Relationship with the media

Suggestions:

- Have one commissioner communicate to the press, based on the gravity of the situation

- Have unity amongst the commission and not look fragmented in front of the public and in disciplinary hearings

- The commissioner assigned the discipline case should be the person to control it, and all questions and concerns should be deferred to that person

- If talking to the press, keep in mind that you're speaking on behalf of the full Commission

- Form a committee to write a protocol that talk about decorum during public meetings

- No food during the open session; take frequent breaks

Concern re: Responding during public comment

Suggestions:

- Have the President make a statement about time limit and about the Commission cannot engage in discussion and argument during public comment but that the Commission hears what the public is saying and will consider it as a future agenda item

PUBLIC COMMENT
None

DEVELOP OBJECTIVES OF THE COMMISSION (TO SERVE AS GUIDE IN SETTING PRIORITIES)

- To schedule, hear and decide discipline cases with maximum efficiency and fairness

- Systematic review of all aspects of the department
  - General Orders
  - Establish policies and take action that represent the interest of all people in the San Francisco community
  - Training (to make sure the Department is up to date)

- To address the particular needs of special populations that may have challenges due to culture or language differences, disability or age, that

impact public safety and to insure accessibility to and the protection of the police system

- To foster confidence, trust, and respect in the Police Department, the peace officers, and the OCC

DISCUSS COMMUNICATION AND PROTOCOL WITH THE CHIEF OF POLICE AND OCC DIRECTOR

Topics to discuss with the Chief:

- Communication
- Press
- Roles & responsibilities
- Policy and major changes
- Major press announcements

Suggestions:

- Five minute phone calls each week to each individual commissioners
- Provide information (background information) to the Commission before a major press announcement
- That public statements by the Commission and any individual commissioners should not be in any way adversarial about either the Chief or about the Department and vice versa

Chief Gascón addressed the Commission and discussed his concerns. He stated that he agrees with the five-minute phone calls, press releases, and reduction of adversarial relationship.

Suggestions (by the Chief):

- Create an annual work plan
  - crime reduction strategy
  - training
  - discipline
    - to have an honest discussion about discipline

Director Hicks addressed the Commission and discussed her concerns.

Concerns:

- getting legal opinions from the City Attorney's Office
- getting materials for the Police Commission meetings
- relationship with the City Attorney's Office
- asked for the Commission's support in the area of budget
- size of OCC staff (especially attorneys & investigators)
- policy issues:
  - Juvenile protocols
  - language access
  - how the Department interacts with mentally ill individuals

Suggestions (by Director Hicks)

- handed the Commissioners her performance plan
  - case management
  - complaint investigation
  - policy analysis
  - outreach
  - mediations
  - reports

PUBLIC COMMENT

No member of the public present

PRIORITIZE AREAS OF CONCERN & DEVELOP PROGRES PLAN

Discussion and possible action to:

a. Develop criteria for determining Commission priorities
b. Develop understanding of how to address unexpected, urgent matters
c. Prioritize and establish Commission goals
d. Develop measurement for determining if Commission is advancing its goals

Criteria for priorities:

1. Should meet at least one objective
2. Urgency
3. Length of meeting
4. Planned ahead of time
5. High priority to the Chief and the OCC
6. Public Safety

The Commission then discussed their individual priorities: Mental health issues; Patrol specials; racial profiling; cannabis; DNA & sexual assault cases; domestic violence; undocumented crime victims; Chief's review; breach of confidentiality; nightclub violence & meeting with the Entertainment Commission; language access; commission staffing; DGO regarding shooting at moving vehicles; and, Brady.

After discussion and a vote, the Commission agreed on their list of priorities & committees to do the prep work to prepare the item before it is agendized before the full Commission:

Top tier priorities:
- Mental health issues (Mazzucco, DeJesus, Chan)
- Patrol Specials (Hammer, Mazzucco)
- Undocumented crime victims (Hammer, Chan, DeJesus)
- Nightclub violence & meeting with the Entertainment Commission (Mazzucco, DeJesus)
- Language access (Chan (as attorney from Asian Law Caucus), DeJesus)

Second tier priorities:
- DNA & sexual assault cases (Hammer)
- Domestic violence (Hammer)
- Brady (DeJesus, Mazzucco)

Deputy City Attorney Katie Porter suggested that the Commission advise the Chief of the different working groups and ask the Chief to assign someone to partner with the Commission.

The Commission then thanked former Commissioner Peter Keane for his help in facilitating the meeting.

Thereafter, the meeting was adjourned.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 6, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

DR. JOE MARSHALL
President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

Roll Call; Pledge of Allegiance

1. **Approval of Consent Calendar** (ACTION ITEM)
   - Request of Inspector John P. Keane to accept gift of seven (7) handmade rosary beads from Mr. William Shultheis

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports
        - Status of Commission Case Docket

4. Discussion regarding revision proposals for Department General Orders 6.16, "Sexual Assault," and 8.10, "Guidelines for First Amendment Activities" (DISCUSSION ONLY)

5. Discussion and possible action to approve the Department's recommendation denying request of Assistant Patrol Special Officer Ray Castillo, #2504, to purchase Beat #72 from resigned Patrol Special Officer Hanley Chan (ACTION ITEM)

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

7. Public Comment on all matters pertaining to Closed Session

8. Vote on whether to hold Closed Session. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 6, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. **Closed Session**

a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in the following disciplinary cases to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner:
- Case No. IVF C10-219
- Case No. IVF C10-220
- Case No. ALW C10-196

b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-009) (DISCUSSION ONLY)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact granting Motion to Dismiss filed in Disciplinary Case No. IVF C10-059, heard September 15, 2010

d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. D03-364 JWA

e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION ONLY)
PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matters: KMO C08-127 & KMO C08-162

(OPEN SESSION)
Roll Call.

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. Election of Commission Officers (ACTION ITEM)

12. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

Lieutenant Joseph Reilly
Secretary

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Government Code §2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; webs site www.sfgov.org/ethics.

SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

A **sound enhancement system** will be available on request at the proceeding.

Meeting agendas and other print materials will be made available in alternate formats (computer disk, via email, fax, large print) upon advance request at least 72 hours prior to a proceeding. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty). Late requests will be honored if possible.

Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call 553-1667 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

The proceeding will be held at City Hall, Room 400, #1 Dr. Carlton B. Goodlett Place, San Francisco. The closest accessible BART station is the Civic Center Station. For information about MUNI service, please call 311.

Accessible parking are available on Carlton Goodlett Place, Grove Street, and Van Ness Avenue.

Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

OCTOBER 6, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley Slaughter
ABSENT: Commissioner Marshall

(Commissioner DeJesus arrived at 5:43 p.m.)

DISCUSSION REGARDING REVISION PROPOSALS FOR DEPARTMENT GENERAL ORDERS 6.16, "SEXUAL ASSAULT," AND 8.10, "GUIDELINES FOR FIRST AMENDMENT ACTIVITIES"

Commissioner Mazzucco announced that this item will be continued at a later date.

Commissioner Hammer suggested that DGO 6.16 to November 10th.

Commissioner Mazzucco introduced Commissioner Jamie Slaughter who went on to give a brief bio.

APPROVAL OF CONSENT CALENDAR

- **Request of Inspector John P. Keane to accept gift of seven (7) handmade rosary beads from Mr. William Shultheis**

Motion by Commissioner Hammer, second by Commissioner Chan. Approved 6-0.

PUBLIC COMMENT

Unidentified discussed concerns regarding abuse against children.
Doug Millar discussed concerns regarding three homicides.
Unidentified read a bible passage and discussed concerns regarding shooting of Ms. Sheehan.
Ray Hartz, SF Open Government, discussed concerns regarding filing a complaint with the Sunshine Ordinance Task Force.
Clyde discussed transparency regarding officer involved shooting in the Central.
Raj Naicher discussed concerns regarding mind control weapons.
Unidentified discussed concerns.

REPORTS TO THE COMMISSION

a. Chief's Report

- **Update on significant policing efforts by Department members**

Chief Gascón reported that he was at Yale for a conference regarding immigration. The Chief then gave a brief update on crime stats: 9 percent reduction on total part 1 crimes; 10 percent decrease in property crime; slight increase in violent crime from 504 last year to 553 year to date; homicide is even 37 from last year to 37 this year.

The Chief addressed concerns regarding reduction in resources and explained that the Department in the current fiscal year has a number of reductions including the number of officers and overtime. The Chief stated that the reality is that crime is down and because of this it gives the Department the flexibility to move resources where it is needed and the Chief stated that even though the Department has less resources today, crime is down as compared to two years ago. The Chief stated that he is more concern as to what will happen in

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the next two years when there will be a significant number of personnel reduction due to retirement.

b. OCC Director's Report
- Review of recent activities

Director Hicks reported that complaints are down 15 percent but sustained cases are up 26 percent. She will give a more detailed statistical report at the meeting of October 20th.

Director Hicks reported that there were 43 mediations year to date. Director Hicks went on to talk about the NACOLE Conference attended by her and her staff.

Commissioner Mazzucco asked if Department personnel were compensated for attending the NACOLE Conference and asked if OCC personnel, who attended at their own expense, can be reimbursed.

c. Commission Reports
- Commission President's Report
- Commissioners' Reports
- Status of Commission Case Docket

Commissioner Mazzucco talked about the Commission retreat and thanked former Commissioner Peter Keane for his help in facilitating the retreat, and thanked Chief Gascón and Director Hicks for their attendance, and thanked Commissioners Chan and Kingsley for organizing the event.

Motion by Commissioner Chan to give a certificate to former Commissioner Keane for a job well done. Second by Commissioner Hammer. Approved 6-0.

Commissioner Chan reported that the Human Right Commission held a hearing on surveillance and racial profiling on September 23rd at City Hall. Commissioner Chan stated that there was about three hours of public testimony, including expert testimony from ACLU.

Commissioner DeJesus stated that she attended this meeting and asked that DGOs 8.10 and 5.17 be on the calendar for October 27th.

PUBLIC COMMENT
Ray Hartz, Open Government, discussed the OCC report and why complaints are down.

DISCUSSION AND POSSIBLE ACTION TO APPROVE THE DEPARTMENT'S RECOMMENDATION DENYING REQUEST OF ASSISTANT PATROL SPECIAL OFFICER RAY CASTILLO, #2504, TO PURCHASE BEAT #72 FROM RESIGNED PATROL SPECIAL OFFICER HANLEY CHAN

Sergeant Robert Yick presented the report regarding the sale of Beat #72, and concluded that there is some question as to the amount of $20.00 for the beat sale and stated that the Department's concern is is this a final sale or is there financial consideration in the future and the Department does not authorize the sale of Beat #72 for $20.00 to another patrol special. Former Patrol Special Hanley Chan stated that he is fed up of the business and just wanted to sell the beat to a good friend who will take care of his clients.

Commissioner Mazzucco stated that he will contact the City Attorney to discuss this issue and to look closer at the sale for $20.00 because it doesn't make sense to sell a beat for $20.00 that is worth significantly more and it causes people to believe that there may be more incentives down the road or ulterior motive.

Commissioner Mazzucco would like to put this item back on calendar in two weeks and would like a report from the Department. The Commissioner also wants to have a conference call on Friday and asked the attorney for Mr. Chan to be present for the conference call.

Commissioner DeJesus asked if the contracts are frozen pending the beat sale. Mr. Castillo stated that he is in negotiations for contracts pending the beat sale.

Commissioner Hammer asked if the beat is being served. Mr. Castillo stated that he is working the beat and that there are current contracts on the beat. Commissioner Hammer suggested that

Commissioner Slaughter asked if the beat is being serviced now, to whom are the payments made. Mr. Castillo stated that he has not received any payments and is hoping that this issue will be resolved today.

Commissioner Mazzucco asked that Mr. Castillo cease to work the beat until the conference call on Friday, at 10:00 a.m. Item continued to October 27th.

PUBLIC COMMENT

Ann Grogan spoke on behalf of Mr. Castillo.

Joseph Ligana discussed concerns.

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements

b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco would like some of the priorities discussed at the retreat be calendared in November and December.

PUBLIC COMMENT

None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

Ray Hartz discussed concerns in regards to election of commission officers.

Joseph Ligana discussed concerns regarding closed session and that the public should know about officers being disciplined.

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Kingsley, second by Commissioner Chan. Approved 6-0.

CLOSED SESSION

a. PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in the following disciplinary cases to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner:

Case No. IVF C10-219 (Assigned to Commissioner Slaughter, Resolution No. 100-10)

Case No. IVF C10-220 (Assigned to Commissioner Slaughter, Resolution No. 101-10)

Case No. ALW C10-196 (Assigned to Commissioner Kingston, Resolution No. 102-10)

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Deputy City Attorney Blits, Attorney Chastie, Attorney

Hechler, Attorney Fortes, Mr. Steve Johnson, Lieutenant Reilly, Lieutenant Falvey, & members involved)

b. **PUBLIC EMPLOYEE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-009)**

PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Lieutenant Reilly, Lieutenant Falvey, & Inspector Nevin)

c. **PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact granting Motion to Dismiss filed in Disciplinary Case No. IVF C10-059, heard September 15, 2010**

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Lieutenant Falvey)

Calendar matter for future date.

d. **PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. D03-364 JWA** *(Resolution No. 103-10)*

(PRESENT: Commissioners Mazzucco, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Deputy City Attorney Blits, Lieutenant Reilly, Lieutenant Falvey, Attorney Fortes, Attorney Nicco, & member involved
RECUSED: Commissioner Slaughter)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner DeJesus, second by Commissioner Mazzucco for non disclosure. Approved 6-0.

PUBLIC COMMENT

Joseph Ligana stated that closed session should not be allowed.

ELECTION OF COMMISSION OFFICERS

Motion by Commissioner Mazzucco to move this item to next week, second by Commissioner DeJesus. Approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

Motion by Commissioner Mazzucco, second by Commissioner DeJesus. Approved 6-0.

Thereafter, the meeting was adjourned at 9:10 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

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The Police Commission

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R. JAMES SLAUGHTER
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 13, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

FF
1:45
#1
10/12/10

Roll Call; Pledge of Allegiance

1. **Approval of Consent Calendar** (ACTION ITEM)
   a. Request by the Department for approval to accept a $1,000.00 donation from Wells Fargo to be used exclusively to purchase toys for Mission Station's Christmas Toy Give Away
   b. Request of by the Department for approval to accept a $1,000.00 donation from Ms. Karen Fireman to be used for the wellbeing and care of police horses or for use by the Mounted Unit

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Election of Commission Officers (ACTION ITEM)

5. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

6. Public Comment on all matters pertaining to Closed Session (Item 8 below), including public comment on whether to go into Closed Session.

7. Vote on whether to hold Closed Session, including vote on whether to assert the attorney-client privilege with regard to item 8.b. (San Francisco Administrative Code Section 67.10) (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 13, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

(OPEN SESSION)
Roll Call.

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
   Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-010) (DISCUSSION ONLY)
   b. Pursuant to Government Code Section 54956.9(a) and San Francisco Administrative Code Section 67.10(d)(1): (DISCUSSION & POSSIBLE ACTION)
   CONFERENCE WITH LEGAL COUNSEL
   Charles Haynes v. CCSF, et al., U.S. District Court No. C09-00174 PJH. Discussion and possible action to recommend that the Board of Supervisors approve recommended settlement in the action.
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION ONLY)
   PERSONNEL EXCEPTION: Status and calendaring of the pending disciplinary matters

9. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

10. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

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Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

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Commissioner

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JAMES HAMMER
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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 20, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Roll Call; Pledge of Allegiance

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   a. Quarterly Report by the Police Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)
   b. Office of Citizen Complaints 3rd Quarter Statistical Report

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Presentation of a Purple Heart Certificate to the family of Officer Charles W. King who died in the line of duty on June 7, 1931
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. Approval of the Awards Committee Recommendation (ACTION ITEM)

5. Discussion and possible action to recommend that the Board of Supervisor approve an ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds, in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Program; and amending Ordinance No. 191-10 (Annual Salary Ordinance, FY 2010-2011) to reflect the addition of three part-time investigator positions (1.50 FTE total) in the San Francisco Police Department (ACTION ITEM)

6. Discussion and possible action to recommend that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a grant totaling $320,274 from the U.S. Department of Justice/National Institute of Justice for the FY 2010 Forensic DNA Backlog Reduction Program (ACTION ONLY)

7. Discussion and possible action to recommend that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a $750,000 grant from the U.S. Department of Justice/Office of Community Oriented Policing (COPS) FY 2010 Technology Program for a Gunshot Location System (ACTION ONLY)

THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT ST., RM. 505, SAN FRANCISCO, CA 94103-4603 (415) 553-1667 FAX (415) 553-1669

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 20, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

9. Public Comment on all matters pertaining to Closed Session (Item 11 below), including public comment on whether to go into Closed Session.

10. Vote on whether to hold Closed Session. (ACTION ITEM)

11. **Closed Session**
   a. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law regarding the Commission's September 15, 2010 decision granting the Motion to Dismiss all Disciplinary Charges filed in Case No. IVF C10-059
   b. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C10-169
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C153-09

12. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

13. **Adjournment** (ACTION ITEM)

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REGULAR MEETING

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OCTOBER 20, 2010 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter

APPROVAL OF CONSENT CALENDAR

a. Quarterly Report by the Police Department and the Office of Citizen Complaints regarding Policy Proposals (Sparks Resolution)

b. Office of Citizen Complaints 3rd Statistical Report

Motion by Commissioner Chan, second by Commissioner Hammer. Received & filed. Approved 7-0.

PUBLIC COMMENT

Ray Hartz addressed the Commission in regards to traffic stops.
Clyde addressed the Commission regards police suicides.

PUBLIC COMMENT

Ray Hartz addressed the Commission in regards to the agenda and comments made during public comment.

REPORTS TO THE COMMISSION

a. Chief's Report

- Presentation of a Purple Heart Certificate to the family of Officer Charles W. King who died in the line of duty on June 7, 1931
- Review of recent activities

Chief Gascón reported on recent crime statistics: 9 percent reduction in part 1 crimes year to date. For the last 4-week reporting period: 7 percent increase in violent crimes, 521 versus 558 for this reporting period; 16 percent reduction in property crimes, 2721 versus 2295; total part 1 crime, 12 percent reduction for the four-week reporting period.

The Chief also reported that he will be attending the bi-annual Major City Chief's Conference, the PERF Semi-annual Meeting as a member of the Board, and the International Association of Chiefs of Police Meeting. He will be travelling on Friday and back on Wednesday next week.

The Chief also talked about the Kennedy School of Executive Sessions and stated that the paper he worked on will be presented in January at Harvard University and will forward the information to the Commission.

Commissioner DeJesus attended the first half of the Community Police Advisory Board meeting and stated how she was impressed by how it was put together.

Commissioner Kingsley attended the second half of the meeting and stated how impressed she was in how the groups came together and recommended doing outreach to the different groups to get feedback to the Commission.

Chief Gascón presented the Purple Heart Award Certificate to the family of Officer Charles W. King who died in the line of duty on June 7, 1931, great grandfather of Sergeant Jack Hart.

b. OCC Director's Report

- Review of recent activities

No report.

c. Commission Reports

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- **Commission President's Report**
- **Commissioners' Reports**

Commissioner DeJesus attended the Guardians of the City Museum and Memorial at 1152 Oak Street and stated that the museum is dedicated to preserving the history of the San Francisco Fire Department, the Police Department, the Sheriff's Department, California Highway Patrol, EMS Paramedics and the 911, and would like to draft a resolution supporting the Police & Fire museum and to urge the Park and Rec Department to find them a permanent space.

Commissioner DeJesus also talked about attending the Latino Peace Officers dinner and the Asian Peace Officers dinner.

Commissioner Mazzucco attended the Press Conference in regards to crime stats and thanked the Chief for his hard work .

Commissioner Mazzucco also discussed concerns regarding a violation in regards to disclosure of confidential information to an outside agency.

Commissioner DeJesus stated that an investigation should be conducted and would like a motion filed with the Superior Court to retrieve the information improperly disclosed and a gag order on the third party disseminating information.

Commissioner Hammer reported that he and Commissioner DeJesus met with members of the Patrol Special in regards to the Boston report and would like a response from the Patrol Specials to be agendized for discussion with the full Commission.

PUBLIC COMMENT

Ray Hartz commended the Department in its efforts to reach out to the community.

Barbara Growth discussed concerns.

APPROVAL OF THE AWARDS COMMITTEE RECOMMENDATION
(Resolution No. 107-10)

Commissioner Mazzucco stated that he attended the meeting of the Awards Committee and asked that the Commission review two of the awards and asked the there be a representation for medals in regards to Lt. Parra and Sgt. Gordon.

Lt. Reilly read excerpts from DGO 3.01, Department Awards.

Chief Gascón stated that he agrees with the assessment of Commissioner Mazzucco in this case.

Commissioner Mazzucco then read the summary of the incident involving Lt. Henry Parra and Sgt. Russell Gordon.

Commissioner Hammer motion to amend the recommendation and award the Gold Medal of Valor to Lt. Parra and Sgt. Gordon. Second by Commissioner DeJesus. Approved 7-0

Commissioner Hammer requested that the Chief review the award process.

PUBLIC COMMENT

Steve Johnson thanked Commissioner Mazzucco and Chief Gascón for bringing this matter forward.

Ray Hartz discussed concerns and comments made during the discussion.

Motion by Commissioner Mazzucco, second by Commissioner Kingsley. Approved 7-0.

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISOR APPROVE AN ORDINANCE AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT, ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO, TO

RETROACTIVELY ACCEPT AND EXPEND GRANT FUNDS, IN THE AMOUNT OF $424,107 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE "SOLVING COLD CASES WITH DNA" PROGRAM; AND AMENDING ORDINANCE NO. 191-10 (ANNUAL SALARY ORDINANCE, FY 2010-2011) TO REFLECT THE ADDITION OF THREE PART-TIME INVESTIGATOR POSITIONS (1.50 FTE TOTAL) IN THE SAN FRANCISCO POLICE DEPARTMENT

Commissioner Hammer asked about backlog DNA testing. Commander Lazar stated that there are 20 burglary cases waiting for assignment.

PUBLIC COMMENT
None

Motion by Commissioner Mazzucco, second by Commissioner Kingsley. Approved 7-0.

RESOLUTION NO. 108-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN ORDINANCE AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT, ON BEHALF OF THE CITY AND COUNTY OF SAN FRANCISCO, TO RETROACTIVELY ACCEPT AND EXPEND GRANT FUNDS, IN THE AMOUNT OF $424,107 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE "SOLVING COLD CASES WITH DNA" PROGRAM; AND AMENDING ORDINANCE NO. 191-10 (ANNUAL SALARY ORDINANCE, FY 2010-2011) TO REFLECT THE ADDITION OF THREE PART-TIME INVESTIGATOR POSITIONS (1.50 FTE TOTAL) IN THE SAN FRANCISCO POLICE DEPARTMENT

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve an ordinance authorizing the San Francisco Police Department, on behalf of the City and County of San Francisco, to retroactively accept and expend grant funds, in the amount of $424,107 from the United States Department of Justice/National Institute of Justice "Solving Cold Cases with DNA" Program; and amending ordinance No. 191-10 (Annual Salary Ordinance, FY 2010-2011) to reflect the addition of three part-time investigator positions (1.50 FTE total) in the San Francisco Police Department.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter

DISCUSSION AND POSSIBLE ACTION TO RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVVELY ACCEPT AND EXPEND A GRANT TOTALING $320,274 FROM THE U.S. DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE FOR THE FY 2010 FORENSIC DNA BACKLOG REDUCTION PROGRAM

Motion by Commissioner Hammer, second by Commissioner Kingsley. Approved 7-0.

PUBLIC COMMENT
None

RESOLUTION NO. 109-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A GRANT TOTALING $320,274 FROM THE U.S. DEPARTMENT OF JUSTICE/NATIONAL INSTITUTE OF JUSTICE FOR THE FY 2010 FORENSIC DNA BACKLOG REDUCTION PROGRAM

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a grant totaling $320,274 from the U.S. Department of

Justice/National Institute of Justice for the FY 2010 Forensic DNA Backlog Reduction Program.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter

DISCUSSION AND POSSIBLE ACTION TO RECOMMENT THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A $750,000 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING (COPS) FY 2010 TECHNOLOGY PROGRAM FOR A GUNSHOT LOCATION SYSTEM

Lieutenant Mikail Ali explained and described the Gunshot Location System and presented the grant.

PUBLIC COMMENT
None

Motion by Commissioner Chan, second by Commissioner Kingsley.
Approved 7-0.

RESOLUTION NO. 110-10

RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO RETROACTIVELY ACCEPT AND EXPEND A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE/OFFICE OF COMMUNITY ORIENTED POLICING (COPS) FY 2010 TECHNOLOGY PROGRAM FOR A GUNSHOT LOCATION SYSTEM

RESOLVED, that the Police Commission hereby recommends that the Board of Supervisors approve a resolution authorizing the Police Department to retroactively accept and expend a grant from the U.S. Department of Justice/Office of Community Oriented Policing (COPS) FY 2010 Technology Program for a Gunshot Location System.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter

ROUTINE ADMINISTRATIVE BUSINESS

a. Commission Announcements
b. Scheduling of items identified for consideration at future Commission Meetings

Commissioner Mazzucco would like the reschedule the discussion regarding 8.10 because the Chief will not be present at next week's meeting.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Chan, second by Commissioner Kingsley.
Approved 7-0.

CLOSED SESSION (7:24 p.m. to 9:35 p.m.)

a. **PERSONNEL EXCEPTION: Discussion and possible action to adopt proposed Findings of Fact and Conclusions of Law regarding the Commission's September 15, 2010 decision granting the Motion to Dismiss all Disciplinary Charges filed in Case No. IVF C10-059** *(Resolution 111-10)*

(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Director Hicks, Deputy City Attorney Blits, Lt. Reilly, Lt. Falvey, Risa Tom)

Motion by Commissioner Hammer, second by Commissioner Chan to recuse Commissioner Slaughter. Approved 6-0.

Motion by Commissioner Hammer, second by Commissioner Mazzucco to adopt the findings.

AYES: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley
RECUSED: Commissioner Slaughter

b. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C10-169** *(Resolution 112-10)*
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorneys Blits and Porter, Lt. Reilly, Lt. Falvey, Risa Tom, Attorney L. Stiglich, Attorney A. Worsham, Steve Johnson, member involved)

c. **PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain Disciplinary Charges filed in Case No. ALW C153-09** *(Resolution 113-10)*
(PRESENT: Commissioners Marshall, Mazzucco, DeJesus, Chan, Hammer, Kingsley, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Deputy City Attorney Blits, Lt. Reilly, Lt. Falvey, Risa Tom, Attorney C. Shea, Attorney A. Worsham, Steve Johnson, member involved)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Mazzucco, second by Commissioner Slaughter for non disclosure. Approved 7-0.

ADJOURNMENT

Motion by Commissioner Mazzucco second by Commissioner Hammer Approved 7-0.

Thereafter the meeting was adjourned at 9:35 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 27, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   a. Police Commission Report of Disciplinary Actions for the 2nd & 3rd Quarter 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Presentation regarding the Department's Officer Involved Shooting (OIS) Process
      - Presentation of the 3rd Quarter 2010 Firearm Discharge Review Board (FDRB) Findings & Recommendations
      - Presentation of the OIS Investigation 3rd Quarter Status Summary
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 3rd Quarter Statistical Report
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Discussion and possible action to approve the Department's recommendation denying request of Assistant Patrol Special Officer Ray Castillo, #2504, to purchase Beat #72 from resigned Patrol Special Officer Hanley Chan (ACTION ITEM)

5. Election of Commission Officers (ACTION ITEM)

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

7. Public Comment on all matters pertaining to Closed Session (Item9, below), including public comment on whether to go into Closed Session.

8. Vote on whether to hold Closed Session. (ACTION ITEM)

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, OCTOBER 27, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

9. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary case No. JWA C10-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to issue subpoenas in the matter of Case Nos. C10-186 & C10-187, set for hearing on November 9, 2010
   c. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain the Chief's discipline as filed in Case No. JCT D06-180
   d. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to sustain or not sustain the Chief's discipline as filed in Case No. JCT D06-173
   e. Pursuant to Government Code Section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7: (DISCUSSION ONLY)
   PERSONNEL EXCEPTION: Status and calendaring of the following pending disciplinary matter: ALW C08-181

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11. **Adjournment** (ACTION ITEM)

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R. JAMES SLAUGHTER
Commissioner

Lieutenant Joseph Reilly
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

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KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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President

THOMAS MAZZUCCO
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Joseph Reilly
Secretary

NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
WEDNESDAY, OCTOBER 27, 2010

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

45
1
10/27/10
cancelled

The Police Commission will not meet on Wednesday, October 27, 2010
Please join the Commission at its next meeting on

Wednesday, November 3, 2010
at 5:30 p.m.
City Hall, Room 400
San Francisco

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   a. Police Commission Report of Disciplinary Actions for the 2nd & 3rd Quarter 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Presentation regarding the Department's Officer Involved Shooting (OIS) Process
      - Presentation of the 3rd Quarter 2010 Firearm Discharge Review Board (FDRB) Findings & Recommendations
      - Presentation of the OIS Investigation 3rd Quarter Status Summary
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 3rd Quarter Statistical Report
      - Presentation of the OCC's 2010 Community Outreach Strategic Plan
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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4. Election of Commission Officers (ACTION ITEM)

5. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

6. Public Comment on all matters pertaining to Closed Session (Item 8, below) including public comment on whether to go in Closed Session

10-29-10P02:37 RCVD

7. Vote on whether to hold Closed Session (ACTION ITEM)

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 3, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

8. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary case No. JWA C10-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to issue subpoenas in the matter of Case Nos. C10-186 & C10-187, set for hearing on November 9, 2010

9. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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Commissioner

Lieutenant Joseph Reilly
Secretary

NOTICE OF CANCELLATION OF MEETING

SAN FRANCISCO POLICE COMMISSION
WEDNESDAY, NOVEMBER 3, 2010

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

The Police Commission will not meet on Wednesday, November 10, 2010
Please join the Commission at its next meeting on

Wednesday, November 10, 2010
at 5:30 p.m.
City Hall, Room 400
San Francisco

11-04-10A11:04 RCVD

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   a. Police Commission Report of Disciplinary Actions for the 2nd & 3rd Quarter 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Presentation regarding the Department's Officer Involved Shooting (OIS) Process
      - Presentation of the 3rd Quarter 2010 Firearm Discharge Review Board (FDRB) Findings & Recommendations
      - Presentation of the OIS Investigation 3rd Quarter Status Summary
   b. OCC Director's Report
      - Review of recent activities
      - Presentation of the OCC's 3rd Quarter Statistical Report
      - Presentation of the OCC's 2010 Community Outreach Strategic Plan
      - OCC's Monthly Comprehensive Statistical Report –January 1, 2010 through October 31, 2010 and January 1, 2009 through October 31, 2009
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

11-05-10P03:44 RCVD

4. Election of Commission Officers (ACTION ITEM)

5. Discussion and possible action to initiate a review of the Commission Rules of Order concerning Public Comment (ACTION ITEM)

6. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

7. Public Comment on all matters pertaining to Closed Session (Item 9, below) including public comment on whether to go in Closed Session

8. Vote on whether to hold Closed Session (ACTION ITEM)

9. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary case No. JWA C10-189 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject a stipulated disposition of disciplinary charges filed in case No. C10-160
   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to approve the request of the Office of Citizen's Complaints to withdraw disciplinary charges filed in case No. C10-058
   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to approve the request of the Office of Citizen's Complaints to withdraw disciplinary charges filed in case No. C10-061
   e. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary case No. C08-181
   f. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Status and calendaring of pending disciplinary case No. C10-060
   g. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to issue Commission subpoenas in disciplinary case Nos. C09-087 and C09-088

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 10, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

10. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

11 **Adjournment** (ACTION ITEM)

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11-12-10P04:34 RCVD

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Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Adoption of Minutes** (ACTION ITEM)
   - Regular Meetings of June 2, 2010 & October 20, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
      - Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. ALW C10-233, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

4. Public Comment on all matters pertaining to Closed Session (Item 6, below) including public comment on whether to go in Closed Session

5. Vote on whether to hold Closed Session (ACTION ITEM)

6. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (DISCUSSION ONLY)
      PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police
      Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-012)
   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Discussion and possible action to accept or reject a stipulated disposition of disciplinary charges filed in case No. JCT C05-190

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, NOVEMBER 17, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. **Closed Session** (continued)
   c. Pursuant to Government Code section 54957 and San Francisco Administrative Code Section 67.10(b) and Penal Code Section 832.7:
   PERSONNEL EXCEPTION: Hearing and Taking of Evidence on Disciplinary Charges filed in Case Nos. IVF C09-087 and IVF C09-088 (DISCUSSION & POSSIBLE ACTION)

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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November 17, 2010 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter

(Commissioner Hammer orrived ot 6:11 p.m. and was excused at 9:20 p.m.)

ADOPTION OF MINUTES

- **Regular Meetings of June 2, 2010 & October 20, 2010**

Motion by Commissioner Marshall, second by Commissioner Chan. Approved 6-0.

PUBLIC COMMENT

Christine Harris discussed concerns regarding Raj Naicher.

Doug Mallar discussed concerns regarding Raj Naicher and asked that he be arrested.

Ace Washington discussed concerns regarding officers accusing him of being a terrorist.

Deborah part of Board of Crime Stoppers in Florida asked why there is no crime stoppers program in the San Francisco.

Clyde talked about the good officers of the Department.

Hiroshi discussed concerns regarding officers not obeying the law.

Commissioner Mazzucco announced that tonight is Lieutenant Reilly's last Commission Meeting and that he will be moving on to a new position in the Chief's Office. Commissioners Mazzucco, DeJesus, Kingsley, Marshall, Chan, Slaughter thanked Lt. Reilly for his work with the Commission.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Assignment of disciplinary charges filed against Patrol Special Officer Robert Burns, File No. ALW C10-233, to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner.** *(Assigned to Commissioner Joe Morshall, Resolution No. 119-10)*

b. **Scheduling of items identified for consideration at future Commission Meetings**

Commissioner Mazzucco asked that DGO 5.02, Shooting at Moving Vehicles, be calendared for the agenda of Dec. 8th.

Commissioner Chan gave a brief update on the hiring process of a court clerk and will probably have a proposed candidate by December 15th, hopefully to start by January or early February.

Commissioner Slaughter stated the discussion regarding DGO 5.02 should be in open session with exception if there is pending disciplinary cases.

Lieutenant Reilly announced that the Commission will not meet on Wednesday, November 24th.

PUBLIC COMMENT

Clyde discussed concerns regarding transparency.

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

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VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 6-0.

CLOSED SESSION (6:08 p.m. – 9:40 p.m.)

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-012)**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Sgt. Juarez, Sgt. Jennifer Jackson, Lt. Reilly & Risa Tom)

b. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject a stipulated disposition of disciplinary charges filed in case no. JCT C05-190**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Chief Gascón, Assistant Chief Shawyer, Commander Mahoney, Lt. Reilly, Risa Tom, Deputy City Attorney Blits, Attorney Fraenkel, Attorney Nicco, Mr. Steve Johnson, & member involved) *(Resolution 120-10)*

c. **PERSONNEL EXCEPTION: Hearing and taking of evidence on Disciplinary Charges filed in Case Nos. IVF C09-087 and IVF C09-088**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Kingsley, Hammer, Slaughter, Lt. Reilly, Risa Tom, Deputy City Attorney Blits, Attorney Fortes, Attorney Fraenkel, Attorney Nicco & associate, Attorney Brass, Mr. Steve Johnson, & members involved, Ms. Estellar Brewer, CSR.)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Slaughter, second by Commissioner DeJesus for non disclosure. Approved 5-0.

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 5-0.

Thereafter, the meeting was adjourned at 9:44 p.m.

_____

Lieutenant Timothy Falvey
Secretary
San Francisco Police Department

1497/rct

DECEMBER 1, 2010 **REGULAR MEETING**

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, at 5:40 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Hammer, Slaughter
ABSENT: Commissioner Slaughter

(Commissianer DeJesus arrived at 5:50 p.m.; Commissianer Marshall arrived at 6:00 p.m.)

PUBLIC COMMENT

Clyde discussed concerns in regards to the absence of Chief Gascón at the funeral of former Chief Fagan.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- Review of recent activities

Assistant Chief Shawyer, for Chief Gascón, reported on crime stats: 8.3 percent reduction in Part 1 crimes for a total of 3,264 Part 1 crime; 4 percent reduction in violent crimes; 9 percent reduction in property crimes; and 44 homicides total year to date.

b. **OCC Director's Report**
- Review of recent activities

Director Hicks discussed the budget process stating at on February 21st the budget is due and department heads are asked to submit their budget by December 21st with a 2.5 percent cut.

c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco thanked the Department for a great job during Chief Fagan's funeral.

PUBLIC COMMENT:
Clyde discussed DGO regarding firing at moving vehicles

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**

Lt. Falvey announced that the Awards Ceremony will be on December 15th

b. **Scheduling of items identified for consideration at future Commission Meetings**

DGO 5.02 for next week's meeting.
DGO 8.10 and 5.17 progress report by the Department for December 8th.
Commissioner Slaughter will be absent for next week's meeting.

PUBLIC COMMENT:
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

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Motion by Commissioner Slaughter, second by Commissioner DeJesus. Approved 6-0.

CLOSED SESSION

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary case no. ALW C10-241 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner**
(Resolution No. 121-10, Assigned to Commissioner Mazzucco)

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Hammer, Slaughter, Assistant Chief Shawyer, Lt. Falvey, Deputy City Attorney Blits, Steve Johnson, Attorney Worsham, Attorney Stiglich, Commander Mahoney, Risa Tom)

b. **PERSONNEL EXCEPTION: Status Update regarding Disciplinary Case Nos. JWA C09-015, JWA C09-255, & JCT D06-179**

(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Kingsley, Hammer, Slaughter, Assistant Chief Shawyer, Lt. Falvey, Deputy City Attorney Blits, Steve Johnson, Attorney Worsham, Attorney Stiglich, Commander Mahoney, Risa Tom)

c. **PERSONNEL EXCEPTION: Hearing of an Appeal of the Chief's Suspension and possible action to sustain the Chief's discipline as filed in Case No. D06-180**
(Resolution No. 122-10)

(PRESENT: Commissioners Mazzucco, Marshall, Kingsley, Hammer, Slaughter, Assistant Chief Shawyer, Lt. Falvey, Deputy City Attorney Blits, Steve Johnson, Attorney Worsham, Attorney Stiglich, Commander Mahoney, Risa Tom)
RECUSED: Commissioners Mazzucco, DeJesus

d. **PERSONNEL EXCEPTION: Hearing on an Appeal of the Chief's Suspension and possible action to sustain the Chief's discipline as filed in Case No. D06-173**
(Resolution No. 123-10)

(PRESENT: Commissioners Marshall, Kingsley, Hammer, Slaughter, Assistant Chief Shawyer, Lt. Falvey, Deputy City Attorney Blits, Steve Johnson, Attorney Worsham, Attorney Hinckley, Commander Mahoney, Risa Tom, member involved)
RECUSED: Commissioners Mazzucco, DeJesus

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Kingsley for non disclosure. Approved 6-0

PUBLIC COMMENT:
None

ADJOURNMENT

Motion by Commissioner Marshall, second by Commissioner Slaughter. Approved 6-0.

Thereafter, the meeting was adjourned at 7:40 p.m.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on **Wednesday, November 24, 2010**.
Please join the Commission at its next meeting on

Wednesday, December 1, 2010
5:30 p.m.
at
City Hall, Room 400
San Francisco

5

24/10
cancelled

11-22-10A08:07 RCVD

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 1, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

11-29-10A08:06 RCVD

2. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

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3. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

4. Public Comment on all matters pertaining to Closed Session (Item 6, below) including public comment on whether to go in Closed Session

5. Vote on whether to hold Closed Session (ACTION ITEM)

6. **Closed Session**
   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
      PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary case No. ALW C10-241 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 1, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

6. b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Status Update regarding Disciplinary Case Nos. JWA C09-015, JWA C09-255, & JCT D06-179)

c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Hearing on an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. D06-180

d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
PERSONNEL EXCEPTION: Hearing on an Appeal of the Chief's Suspension and possible action to sustain or not sustain the Chief's discipline as filed in Case No. D06-173

7. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

8. **Adjournment** (ACTION ITEM)

*** SUPPORTING DOCUMENTATION FOR POLICE COMMISSION AGENDA ITEMS THAT ARE NOT CONFIDENTIAL AND DOCUMENTATION THAT HAVE BEEN DISTRIBUTED TO THE COMMISSION AFTER DISTRIBUTION OF THE AGENDA PACKETS ARE AVAILABLE FOR REVIEW AT THE POLICE COMMISSION OFFICE, THOMAS J. CAHILL HALL OF JUSTICE, 850 BRYANT STREET, ROOM 505, SAN FRANCISCO, CA 94103, DURING NORMAL BUSINESS HOURS. (415) 553-1667

PLEASE NOTE: The Police Commission will be holding a Special Meeting this month at a location other than City Hall.

1. The Commission will hold its Award Ceremony on Wednesday, December 15, 2010, at 5:00 p.m., at the Mission Bay Conference Center at UCSF, Robertson Auditorium, 1675 Owens Street, San Francisco.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

The Commission will hear public comment on all agenda items before or during discussion of the item.

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public.

Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE OR TO REPORT VIOLATION OF THE ORDINANCE, CONTACT THE SUNSHINE ORDINANCE TASK FORCE: ADMINISTRATOR, CITY HALL, ROOM 244, #1 DR. CARLTON B. GOODLETT PLACE, SAN FRANCISCO, CA 94102-4689; OFFICE (415) 554-5163. COPIES OF THE SUNSHINE ORDINANCE CAN BE OBTAINED FROM THE CLERK OF THE SUNSHINE TASK FORCE, THE SAN FRANCISCO PUBLIC LIBRARY, AND ON THE CITY'S WEBSITE AT www.ci.sf.ca.us/bdsupvrs/sunshine

Lobbyist Registration and Reporting Requirements
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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

Communication accessibility services; including sign language interpreters or computer aided real time captioning will be made available upon advance request. Please call the Police Commission Office at 553-1667 (v) or 553-9194 (tty), at least 72 hours prior to a proceeding. Late requests will be honored if possible.

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The Police Commission

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Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 8, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

Pledge of Allegiance; Roll Call

1. **Approval of Consent Calendar** (RECEIVE & FILE; ACTION ITEM)
   - Office of Citizen Complaints Monthly Comprehensive Statistical Report for the Period of January 1, 2010 through November 30, 2010 and January 1, 2009 through November 30, 2009
   - Request of Officer Leon Sorhondo to accept an award for the 2010 Policeman of the Year of $1,000.00 from the Nob Hill Association
   - Police Commission Disciplinary Case Statistical Summary as of December 1, 2010

2. **Public Comment**
   (Members of the public may address the Police Commission for a time period determined by the Chair, not to exceed three minutes, on items that are within the subject matter jurisdiction of the Commission but do not appear on the agenda. Speakers shall address their remarks to the Commission as a whole and not to individual Commissioners or Department or OCC personnel. Under the Police Commission Rules of Order, during the Public Comment, Commissioners are not to enter into debate or discussion with speakers.)

3. **Reports to the Commission** (DISCUSSION ONLY)
   a. Chief's Report
      - Review of recent activities
      - Discussion regarding Department Bulletin No. 10-156, "Revision to Department General Order 5.02 – Use of Firearms," issued 06/03/10
   b. OCC Director's Report
      - Review of recent activities
   c. Commission Reports
      - Commission President's Report
      - Commissioners' Reports

4. **Routine Administrative Business**
   a. Commission Announcements (DISCUSSION ONLY)
   b. Scheduling of items identified for consideration at future Commission Meetings (ACTION ITEM)

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The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA
REGULAR MEETING
WEDNESDAY, DECEMBER 8, 2010
5:30 p.m.

CITY HALL, ROOM 400
#1 Dr. Carlton B. Goodlett Place
San Francisco, California

5. Public Comment on all matters pertaining to Closed Session (Item 6, below) including public comment on the vote whether to go in Closed Session

6. Vote on whether to hold Closed Session (ACTION ITEM)

7. **Closed Session**

   a. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary Case No. ALW C10-244 to an individual Commissioner for the taking of evidence on a date to be determined by the Commissioner

   b. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7:
   PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS Case No. 10-013) (DISCUSSION ONLY)

   c. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Selection of a Court Clerk, Classification 8113, for the Police Commission Office

   d. Pursuant to Government Code Section 54957(b)(1) and San Francisco Administrative Code Section 67.10(b) and Penal Code 832.7: (ACTION ITEM)
   PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement of disciplinary charges filed in Case No. JWA C10-187

8. Vote to elect whether to disclose any or all discussion held in closed session (San Francisco Administrative Code Section 67.12(a)) (ACTION ITEM)

9. **Adjournment** (ACTION ITEM)

...

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1. The Commission will hold its Award Ceremony on Wednesday, December 15, 2010, at 5:00 p.m., at the Mission Bay Conference Center at UCSF, Robertson Auditorium, 1675 Owens Street, San Francisco.

The Police Commission

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SAN FRANCISCO POLICE COMMISSION AGENDA

REGULAR MEETING

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SAN FRANCISCO POLICE COMMISSION
PUBLIC MEETING/HEARING ACCESSIBILITY INFORMATION

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Accessible seating for persons with disabilities and wheelchairs will be available.

For information about the meeting, please call 553-1667(v) or 553-9194 (tty).

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DECEMBER 8, 2010 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in Room 400, City Hall, #1 Dr. Carlton b. Goodlett Place, San Francisco, at 5:35 p.m., in a Regular Meeting.

PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley
ABSENT: Commissioner Slaughter

APPROVAL OF CONSENT CALENDAR

- **Office of Citizen Complaints Monthly Comprehensive Statistical Report for the Period of January 1, 2010 through November 30, 2010 and January 1, 2009 through November 30, 2009**
- **Request of Officer Leon Sorhondo to accept an award for the 2010 Policeman of the Year of $1,000.00 from the Nob Hill Association**
- **Police Commission Disciplinary Case Statistical Summary as of December 1, 2010**

PUBLIC COMMENT

None

Motion by Commissioner Marshall, second by Commissioner Hammer, received and filed. Approved 6-0.

PUBLIC COMMENT

Christine Harris handed the Commission a news release document regarding energy weapons.

Doug Millar discussed concerns regarding violent crimes against children covered up by the Police Department.

Clyde commended Commissioner Hammer for his work regarding DNA testing.

REPORTS TO THE COMMISSION

a. **Chief's Report**
- **Review of recent activities**
- **Discussion regarding Department Bulletin No. 10-156, "Revision to Department General Order 5.02 – Use of Firearms," issued 06/03/10**

Assistant Chief Shawyer, for Chief Gascón who is on his way, gave a brief update on crime statistics.

Sergeant Michael Nevin, Internal Affairs, presented the update regarding Department Bulletin 10-156 and stated that DGO 5.02 is currently in the revision process.

Commissioner Hammer asked to have a date certain in January to consider, have public comment, and vote on this general order.

Commissioner DeJesus asked when can the Commission expect the DGO and is the department meeting and conferring with the OCC. Sgt. Nevin stated that he is working with the Written Directives Unit who will handle the meet-and-confer process.

Commissioner Chan asked that the Department meet and confer with the OCC regarding this DGO and asked for a date certain to calendar this item.

Ms. Porter asked that this be calendared for the first meeting in February.

b. **OCC Director's Report**
- **Review of recent activities**

Director Hicks reported that in November the OCC participated in 6 mediations and 3 in December. Director Hicks also talked about outreach by the OCC at the Project Homeless Connect at the Bill Graham Auditorium.

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c. **Commission Reports**
- **Commission President's Report**
- **Commissioners' Reports**

Commissioner Mazzucco reported on his recent ride along with Central Station officers and commended the officers for their actions in dealing with individuals with mental health issues and their actions with dealing with the community.

Commissioner Mazzucco asked that there be a meeting in regard to mental health issues and the training received by the officers and how to work with other agencies to get their participation.

Commissioner Kingsley stated that she will have a ride along in the Bayview sometime in January and talked about a town hall meeting held at the Bayview that she attended last night.

Director Hicks stated that the Chief will be sending three SFPD representatives to Memphis to do a ride along with their officers in regards to how officers interact with the mentally ill.

Commissioner Hammer talked about rape kits and getting DNA samples tested within 14 days and commended Assistant Chief Schmitt and Captain Meixner for their work and leadership in this area.

PUBLIC COMMENT
Clyde clarified homicide number.

ROUTINE ADMINISTRATIVE BUSINESS

a. **Commission Announcements**
b. **Scheduling of items identified for consideration at future Commission Meetings**

Lieutenant Falvey announced that next week will be a Medal of Valor Ceremony, at 5:00 p.m., at UCSF Mission Bay Conference Center, 1675 Owens Street.

Commissioner Marshall also announced that December 22nd and 29th the Commission will not meet.

Lieutenant Falvey also announced that on Wednesday, January 5th, will be a community meeting in the Northern.

Commissioner Mazzucco announced February 2nd for adoption of general order regarding discharging of firearms.

Commissioner Kingsley asked that the Commission priorities be calendared sometime in January. Commissioner Mazzucco suggested January 12th.

PUBLIC COMMENT
None

PUBLIC COMMENT ON ALL MATTERS PERTAINING TO CLOSED SESSION

None

VOTE ON WHETHER TO HOLD CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Hammer. Approved 6-0.

CLOSED SESSION (6:25 p.m. to 7:16 p.m.)

a. **PERSONNEL EXCEPTION: Assignment of disciplinary charges filed in disciplinary Case No. ALW C10-244 to an individual Commissioner for the**

taking of evidence on a date to be determined by the Commissioner (Assigned to Commissioner DeJesus, Resolution No. 124-10))
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Assistant Chief Shawyer, Deputy City Attorney M. Blits, Lt. Falvey, Risa Tom, Attorney J. Alden, Mr. Steve Johnson, Sergeant R. Ezirim)

b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Chief of Police Review of findings and decision to return officer to duty following officer-involved shooting (OIS case No. 10-013)**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Assistant Chief Shawyer, Lt. Falvey, Risa Tom, Sgt. M. Juarez, and Sgt. J. Jackson)

c. **PERSONNEL EXCEPTION: Selection of a Court Clerk, Classification 8113, for the Police Commission Office**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Chief Gascón, Assistant Chief Shawyer, Lt. Falvey, Risa Tom)

d. **PERSONNEL EXCEPTION: Discussion and possible action to accept or reject stipulated agreement of disciplinary charges filed in Case No. JWA C10-187**
(PRESENT: Commissioners Mazzucco, Marshall, DeJesus, Chan, Hammer, Kingsley, Assistant Chief Shawyer, Deputy City Attorney M. Blits, Lt. Falvey, Risa Tom, Attorney J. Alden, Mr. Steve Johnson) (Resolution No. 125-10)

VOTE TO ELECT WHETHER TO DISCLOSE ANY OR ALL DISCUSSION HELD IN CLOSED SESSION

Motion by Commissioner Marshall, second by Commissioner Chan for non disclosure. Approved 6-0.

PUBLIC COMMENT
None

ADJOURNMENT

Commissioner Mazzucco adjourned the meeting in memory of Officer Gary Hazelhofer. Motion by Commissioner Hammer, second by Commissioner Marshall. Approved 6-0.

Thereafter, the meeting was adjourned at 7:17 p.m., in memory of Officer Gary Hazelhofer.

_____
Lieutenant Timothy Falvey
Secretary
San Francisco Police Commission

1071/rct

December 15, 2010 Notice of Special Meeting

SAN FRANCISCO POLICE COMMISSION

Notice of Special Meeting

Wednesday, December 15, 2010

5:00 p.m.

Mission Bay Conference Center at UCSF

Robertson Auditorium

1675 Owens Street

San Francisco

Thomas Mazzucco
President

Dr. Joe Marshall
Vice President

Petra DeJesus
Commissioner

James T. Hammer
Commissioner

Angela Chan Commissioner

Carol Kingsley
Commissioner

R. James Slaughter
Commissioner

Lt. Timothy Falvey
Secretary

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

THOMAS MAZZUCCO
President

DR. JOE MARSHALL
Vice President

PETRA DEJESUS
Commissioner

ANGELA CHAN
Commissioner

JAMES HAMMER
Commissioner

CAROL KINGSLEY
Commissioner

R. JAMES SLAUGHTER
Commissioner

Lieutenant Timothy Falvey
Secretary

SAN FRANCISCO POLICE COMMISSION AGENDA
NO MEETING NOTICE

The Police Commission will not meet on
Wednesday, December 22 and 29, 2010.
Please join the Commission at its next meeting on

Wednesday, January 5, 2011
6:00 p.m.
in the
Northern District
Claire Lilienthal Elementary School
3630 Divisadero Street
San Francisco

12-17-10P12:51 RCVD

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